

anniversary five years ago and how listening to O'Hara sing his "50,000 Names" was "the most cathartic experience I've ever had in my career." As he performed the tune again, sniffles could be heard in the audience. Later, at Harris' request, Earle did "a song about faith," the title track from his new album, *Jerusalem*.

Earlier, LEAHY cracked that everybody in Washington was in the room except U.S. Attorney General John Ashcroft, who "listens to Steve Earle all the time." The outspoken Earle has made his anti-war and anti-death penalty views well known in Washington.

Harris noted that "Jerusalem" provided a necessary note of hope, adding "we're in a very difficult time right now." Backstage she said, "I don't know whether [war is] inevitable or not. Certainly, the world is gonna change in some way pretty soon. I can't see the status quo staying the same."

But this was a night for positivity and humor, despite the profusion of sad love songs and achingly beautiful harmonies delivered on tunes such as Harris' "Prayer in Open D" (performed by the Millers as "Prayer in D" because, Buddy explained, "I can't play an open D").

For the encore, Harris brought out John Starling and Mike Auldridge, original members of the D.C.-area bluegrass band the Seldom Scene, for the Louvin Brothers' classic "Satan's Jeweled Crown," which she recorded on *Elite Hotel*.

The evening was probably best represented by comments delivered by LEAHY. "There are people in Southeast Asia, in Africa, in Central America, around the world, who are going to be helped by what you have done," he said. "They will never know you, they'll never hear your songs, they'll never know your fame. They'll never be able to do anything to help you, but because you've helped them, their lives are immeasurably better. And how many people in life can say that?"

Mr. LEAHY. I yield the floor, and I thank the Senator from West Virginia.

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

Mr. BYRD. The distinguished Senator from Vermont is welcome, and I congratulate him.

FAREWELL TO SENATOR ROBERT SMITH

Mr. BYRD. Madam President, last year when my beloved little dog Billy passed away, many people came to me to express their condolences. It was like losing one of the family. My wife and I have shed many tears over little Billy. There is never a day that I don't pass his little box of ashes that is sitting up in my bedroom, never a day that I don't touch that little box and think of little Billy. He has been with us 15 years.

We have a new dog now, one which is a very sweet little female dog. She is a lap dog. She is a Shi Tzu, a dog that came out of Tibet. It was bred to be a lap dog in the palace, extremely friendly, knows no person is not a friend. She just smoothers my wife's face with kisses—and mine, too. So we love her.

But I said to Erma the other night: Erma, if Billy could come back tomorrow, would he still be No. 1? And both she and I said yes; even though we love this little dog, the little dog we have now, the female—she is called Trouble;

I think my wife saw me coming when she named the little dog Trouble. I said to Erma, if Billy came back tonight, would he still be No. 1, and she said yes. And we both agreed that Billy would still be No. 1.

Last year, when our beloved dog Billy Byrd passed away, many people came to me to express their condolences. But one who really, really touched me was a big, hulking Navy combat veteran who came to my office and showed a personal compassion in that moment of sorrow. That person came to talk about the little dog that I had lost. He had read about the passing of our little dog Billy. He read the story in the newspaper, and he came to my office to express his sorrow.

Who was he? That person was the senior Senator from New Hampshire, Mr. ROBERT SMITH. He would make about two of me, ROBERT BYRD. Here he came to my office, took his own busy time to come to my office. This was back in April of this year. He came to my office, paid a special visit to my office to tell me how sorry he was to hear about my little dog Billy.

So once again, as I have many times in my long years with which God has blessed me, I came to realize that the people with whom we work here in the Senate often have a personal side that we do not get to know or understand in our working relationships on the Senate floor. Our colleagues are usually much more complex than their public persona would lead one to believe and have facets to their characters that are not often seen in their daily official activities.

But Senator ROBERT SMITH's thoughtful expression of sympathy gave me a better understanding and appreciation for this man who for several years now has proudly represented his State in the Senate. He is on the Armed Services Committee with me. I have served on that committee now with him these many years. Senator SMITH possesses an admirable quality of perseverance. As a young man, he had to work his way through college. Although he was the son of a naval aviator who was killed in combat during World War II, when ROBERT SMITH was old enough, he enlisted in the Navy and he proudly served our country in combat in Vietnam. He is a person who had to run for Congress three times before being elected. As a Senator, his tenacious adherence to his independent ways eventually cost him his Senate seat.

He has often been portrayed as a fierce conservative, but I came to perceive him as the "citizen legislator" that he promised to be when he was first elected to Congress in 1984. In his twelve years in the Senate, he has been a forceful advocate of the many and various causes in which he believes, and he has never been deterred by the labels others may place on those views.

BOB SMITH's politics is not easy to characterize, from his support for a constitutional amendment to balance

the budget to helping to preserve and protect our environment, he has defied easy labels. Senator SMITH has also been a strong advocate for modernizing his state's and the nation's infrastructure, and for that I sincerely applaud him. He has also tenaciously fought to gain a thorough accounting of American MIAs and POWs.

I have probably opposed Senator SMITH more than I have agreed with him, but I have consistently been impressed with his independence of spirit and thought, and his dedication to the causes in which he believes. I am confident that in his future efforts he will continue to demonstrate the steadfastness, courage, and integrity that he has exemplified during his twelve years in this chamber. I wish him well in his future endeavors.

I hope he will, indeed, come back and visit those who are his colleagues of this date.

RECONSTRUCTION OF AFGHANISTAN

Mr. BYRD. Mr. President, on another matter, it was just over one year ago, on November 12, 2001, that Afghanistan's government of religious extremists fled Kabul. The rule of the Taliban soon collapsed in the rest of the country, and a new government, endorsed by the United Nations, took shape. Despite this new government, the United States still has more than 8,000 troops in Afghanistan performing a number of important missions, from tracking down al-Qaida terrorists who have taken to the hills to providing security to the new Afghan President. In other words, from tracking down al-Qaida terrorists, who have taken to the hills on the one hand, to providing security to the new Afghan President on the other hand.

But the situation in Afghanistan is anything but stable. Our troops still face hit-and-run attacks from al-Qaida and Taliban fighters. The leadership of the new Afghan government has been targeted for assassination. Warlords that control portions of Afghanistan's countryside have questionable allegiance to the central government. Two million Afghan refugees have returned to their homes in the past year, many finding that their homes had been destroyed by war and their fields ravaged by drought.

But with the Administration gearing up for a new war in Iraq, important questions must be asked. What is our plan for Afghanistan? How great is the risk that we will lose the peace after winning a war in a poor, landlocked Central Asian country? Is the potential for war with Iraq shifting our attention from unfinished business in Afghanistan?

Recent press reports on the situation in Afghanistan are not encouraging. On November 8, the *Washington Post* carried an article which quotes the Chairman of the Joint Chiefs of Staff, General Richard Myers, as saying that we have "lost a little momentum" in tracking down terrorists in Afghanistan. With al Qaeda adapting to our

military tactics, the report continues, the Pentagon is now debating whether to emphasize reconstruction efforts at the expense of military operations.

Such a shift in mission should not be taken lightly. Unless clear goals are laid out for the rehabilitation of Afghanistan and a sensible strategy is enunciated to achieve those ends, our nation could find its feet sinking into the quicksand that is Afghanistan.

I was in Afghanistan 47 years ago. I went to Afghanistan as a member of the subcommittee of the House Foreign Affairs Committee. I saw enough of Afghanistan to convince me at that time that it was very difficult to subjugate that country. Since then, the Soviets tried and failed. Before then, the British tried and they failed. We have already spent over \$20 billion in Afghanistan, and we still don't have Osama bin Laden. We are a long way from winning that war, if that is what we are trying to do.

Let us not forget our recent, tragic history with nation building, such as our attempts to pacify the chaos of Somalia in the early 1990s. We should also not forget that in 1979, the Soviet Union grabbed control of Kabul in little more than a day, but spent the next nine years trying to extend its control to the rest of the country. Those people are not easy to handle.

Today, the United States has no clear goals or sensible strategy for how to work with our allies to rebuild Afghanistan. Instead of a clear plan of action, we hear lip service about a Marshall Plan for Afghanistan. Start sinking money into that bottomless pit. Such grand promises, if left unfulfilled, would send the wrong message to our allies and the Afghan people about our commitment to seeing that that country does not again become a haven for terrorists.

The Administration has already sent confusing messages to Congress about its commitment to rebuilding Afghanistan. On August 13, 2002, the President refused to designate as emergency spending \$174 million in humanitarian aid for Afghanistan, which was contained in the Fiscal Year 2002 Supplemental Appropriations Act. By refusing to designate those funds as an emergency, the President did not allow the funds to be spent as Congress intended.

While the President refused to spend that money, he has publicly promised \$300 million in foreign aid to Afghanistan for fiscal year 2003. However, Congress has not received any such request. As the committee report for the Fiscal Year 2003 Foreign Operations Appropriations bill, as reported unanimously from the Senate Appropriations Committee on July 18, states:

The Committee is, therefore, perplexed that, despite calls for a Marshall Plan for Afghanistan and the critical importance to U.S. national security, the administration did not submit a formal fiscal year 2003 budget request for Afghanistan. The Committee has been informally advised that the administration plans to spend approximately

\$98,000,000 for Afghanistan in funds from the Foreign Operations, Export Financing, and Related Programs Appropriations Act.

If the administration fails to back up its promises of aid with actual dollars, how are we ever going to complete our mission in Afghanistan? We ought to be reasonable with our promises, but once we make a commitment, this nation should put our money where our mouth is.

It is clear that the United States must do more to focus the international community on creating a concrete plan of action for rebuilding Afghanistan. But the first step in creating this plan is to get the administration's attention off of Iraq just long enough to give serious consideration to the problems in Afghanistan. To that end, the Senate Foreign Relations Committee has reported a bill to authorize \$3.3 billion in aid for Afghanistan. This bill was passed by the Senate last week.

While I share with the authors of the bill the great concern about the potential for Afghanistan to slide back into chaos and disorder, I have serious reservations about several provisions of this bill.

First, the bill authorizes \$3.3 billion in foreign aid for Afghanistan with no indication of why this figure was proposed. It is important to understand that the authorization of those funds does not actually allow the U.S. Government to spend a single dime for Afghanistan. It takes an appropriations bill to spend that money. As Chairman of the Appropriations Committee, the committee that is expected to come up with the cash to fund such an authorization, I do not understand how this figure of \$3.3 billion was reached. I am left with the impression that the bill in question authorizes these billions of dollars simply to send a message that rebuilding Afghanistan is an important task.

Second, as Chairman of the Appropriations Committee, I am not sure where Congress would find the funds to fulfill the \$3.3 billion commitment to Afghanistan. Will the administration support cutting back on some of our foreign aid programs in order to send money to Afghanistan? Or will the administration propose to increase our foreign aid spending in order to fund this new aid package? Without the cooperation of the administration, it would be difficult to appropriate the full amount of the funds that are authorized by this bill. As I am sure the sponsors of the bill would agree, the last thing we need are more empty promises to help the people of Afghanistan.

Third, the Afghanistan aid bill contains a sense of the Congress provision that encourages the President to work to expand the U.N. peacekeeping mission now underway in Kabul to include the whole of Afghanistan. Right now, the United States is not a participant in that peacekeeping mission. It is not clear what role our troops would have

in such an expanded peacekeeping mission, but Congress should be careful not to endorse the commitment of our soldiers to such a mission before we have an understanding of what that commitment might entail, such as how many troops might be involved, how long they might be there, and what goals must be achieved before withdrawal.

Finally, while this bill pushes for more aid and more peacekeepers for Afghanistan, we are still without a plan or strategy for our involvement in that country. The administration needs to work with our allies and the United Nations to produce an understandable strategy that will address the reconstruction needs of Afghanistan, while sharing the costs among all countries that have an interest in the peace and security of that nation.

The future of Afghanistan is an important national security issue for the United States. Discontent is being sown in Afghanistan by al-Qaida agents, and if order again breaks down in Afghanistan, we can bet that terrorists and extremists will try to take advantage of the situation. If Osama bin Laden is still alive, which recent reports seem to indicate, I am sure that he is looking forward to the failure of U.S. and allied efforts to bring security and stability to Afghanistan. If we are to head him off at the pass, the first thing we need to do is have a clear plan of action.

While the President seems eager to use military force against Saddam Hussein, I urge him first to take care of the unfinished business in Afghanistan. The situation is crying for his attention. The Senate has passed a bill to authorize funds to address the problems in Afghanistan, but it is up to the President to show the leadership that is needed to prevent the situation in that country from further deterioration.

Mr. REID. Mr. President, will the Senator from West Virginia yield for a question?

Mr. BYRD. Yes, I will.

Mr. REID. I apologize for interrupting, but I wanted to engage the Senator for a brief minute on homeland security.

Mr. BYRD. Yes.

Mr. REID. Let me tell you what I wanted to ask the Senator. I heard the very fine statement of the senior Senator from Pennsylvania, talking about all the bad things that are encompassed in the Daschle amendment. But he finished his statement by saying: Well, but there is nothing else we can do. I am going to have to vote for the bill.

The Senator from West Virginia has served in the House of Representatives, is that not true?

Mr. BYRD. Yes.

Mr. REID. I have, also. Now, the Senator is aware that the House of Representatives has not yet completed its business. They have sent everybody home, but the leadership is still in

place. Does the Senator understand that?

Mr. BYRD. Yes.

Mr. REID. And they, the leadership, have the authority to pass, as we do here, legislation by unanimous consent. Does the Senator understand that?

Mr. BYRD. Yes.

Mr. REID. My concern here is that Members of the House of Representatives, including DAN BURTON, one of the leading long-term House Members and a very conservative man from Indiana—I served with him when I was there—he said, talking about the things that are in the Daschle amendment, of which the Senator from West Virginia is a cosponsor—

Mr. BYRD. By unanimous consent, I had asked to cosponsor the amendment, yes.

Mr. REID. Chairman Burton said:

These provisions don't belong in the bill. This is not a homeland security issue. This is a fairness issue.

And he goes on to say, talking about one provision; that is, the vaccine:

Fifteen years ago, one in every 10,000 children were autistic. Today, one in every 250 children is autistic. We have an epidemic on our hands. More and more parents believe the autism affecting their children is relating to a vaccine or a mercury preservative.

And he goes on. I say to the distinguished Senator from West Virginia, as to people talking about endangering the homeland security bill by voting for this amendment, does the Senator agree with me this is senseless? That if this amendment is as bad as Chairman BURTON and the Senator from Pennsylvania said, shouldn't we vote on the merits of that and just have the House accept our changes? We wouldn't have to go to conference. Does the Senator understand that?

Mr. BYRD. Yes, the House could accept the amendment. If the Senate adopts the amendment, the House could accept it and there would be no conference.

Mr. REID. Wouldn't that be the best? Let's say this amendment has the merits, as indicated in the statement of Congressman BURTON. We have heard statements here on the floor for several days now about all the very bad things in this homeland security amendment.

This is my question to the Senator from West Virginia, who has studied this legislation more than anyone else: Wouldn't it seem appropriate and good legislation if we voted in favor of this amendment and sent it back to the House? That is why they arranged to come back, in case there would be some housekeeping they have to do. Wouldn't that be the best thing to do with this large 484-page piece of legislation?

Mr. BYRD. I should think so. It would be my feeling, Mr. President, that we ought to look at the amendment on its face, on its merits, and vote for it. If I were disposed to vote against it—there are some who will—but those of us who are for it should

not back away because of some scare tactic that is being used by the White House to try to get Members to vote against that amendment. Where is the House of Representatives supposed to be? They get paid the same salaries as we do. Their job is not finished. Our job is not finished. Why shouldn't they be here?

Over the many years I have been in the Senate, 44 years now, time and time again I have seen the House pass a conference report or appropriations bill or something, and walk away and leave the Senate holding the bag. There is no reason why they should not have to come back, if we pass an amendment and it goes to conference. They should come back and finish their work. This is an important piece of work. They ought not go home on the pretext that, if this measure is passed by the Senate, they should not have a conference on it. Or the White House should not be spreading the scare stories.

If the House wants to have a conference, that's fine. If the House doesn't want to have a conference and wants to accept the bill, it can, or it wants to accept the amendment, it can. Then that could go to the President for his veto, if he wishes.

Mr. REID. I appreciate very much the Senator yielding.

I simply close by saying I really think we would be doing the President, the Congress, and the country a favor by adopting this amendment. It would take all the talk radio out of all the bad things in this bill—at least many of the bad things. I repeat, I think we would be doing the President a favor by passing this amendment, sending this bill to the House, and then let them handle that bill accordingly.

I am confident that they arranged to come back, anyway, for things like this. I think they probably understood it would be very difficult for the Senate to accept their bill exactly as they sent it to us. So, again, I appreciate the Senator yielding. I think anyone saying—as the Senator from Pennsylvania did, and I am paraphrasing him, not saying exactly what he said—that even though there were bad things in this amendment, he saw no alternative but to go ahead and vote to get this thing out of here because otherwise the whole bill would come down, I simply state for the record that will not happen and that is not the case.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

I would only add that if the whole thing comes down, that may be for the best. That may be for the best. It has a lot more wrong with that bill suddenly dumped upon us in the early hours of Wednesday morning. As far as I am concerned, greater mischief can happen in many ways than having that bill die. As far as I am concerned, we ought to be back next year and take our time and do a good job on that bill. I have always been for homeland security. I was one of the first around here to

state that we needed a Department of Homeland Security. But this bill that has 484 pages in it, that has been suddenly dumped upon us, dumped on us—as far as I am concerned, it would be no great tragedy if that bill would die and we could start again next year.

Having that bill is not going to make the American people one whit more secure—not one whit—because even if that bill is passed, the President is going to have 12 months in which to submit his plan, which we know nothing about at this time. When we pass this bill, we will not know anything about his plan. But under that bill the Congress authorizes the President to submit his plan. That plan will automatically go into effect after a certain number of months, the most of which would be 12 months. It will automatically go into effect.

We don't know today what is in his plan. He probably doesn't know yet what he intends to submit as a plan. As far as I am concerned, we are buying a pig in the poke and Senators ought not vote for that bill. But at the very least, Senators ought to vote for this amendment because it does clean up a little bit of what is wrong with the bill.

The PRESIDING OFFICER. The assistant Republican leader.

TRIBUTE TO SENATOR PHIL GRAMM

Mr. NICKLES. Mr. President, it is a pleasure and a privilege for all of us to serve in the Senate. One of the great benefits of serving in the Senate is we have the opportunity to serve with some outstanding individuals—outstanding leaders not only in their States but outstanding leaders in their country.

One of those individuals that I will always rank as one of my favorite Senators, and one of the most effective Senators I have had the privilege and pleasure of serving with, is Senator PHIL GRAMM of Texas.

Senator GRAMM was elected to and served 6 years in the House. He was elected in 1978. He was elected as a Democrat. Eventually he resigned and ran as a Republican. I think he was the first person to do that in a century. It was a pretty phenomenal thing. Then he came to the Senate where he has served for 18 years. Much to my regret, he announced he would be retiring and will soon complete his very distinguished Senate career. Seldom do you find a person who makes such a difference in public policy over that period of time, as Senator GRAMM has.

I was elected to the Senate in 1980, and I remember very well the Gramm-Latta budget bill that passed the House of Representatives in 1981. That was Senator GRAMM, a Democrat, working with Congressman Latta, a Republican, to basically pass President Reagan's economic budget, a phenomenal accomplishment; it laid the guidelines for reducing and changing taxes. The maximum tax rate actually, in 1981, was 70 percent; 6 years later it was 28 percent—a phenomenal achievement. Some might disagree with it, but it

was a phenomenal achievement. And it was due, in great part, to the leadership of PHIL GRAMM.

So every once in a while we have the privilege of serving with someone who can make a real difference. And Senator GRAMM has done that. He did it in the House. He has done it in the Senate. He has made accomplishments. He has made legislation. He has angered his opponents, but I think in all cases, his adversaries or his opponents, while they may have disagreed with him on the issue, had to respect him for his conviction, for his commitment, for his effectiveness. I respect that.

Many of us made tributes to Senator Wellstone. We regret the tragedy of his death. But we respected his commitment. Likewise, I can tell you, I know Senator Wellstone would say he would have to respect Senator PHIL GRAMM. He did not agree with him—he agreed with him very little—but he had to respect him. One of the great things about the Senate is that we can disagree on issues, but we can have respect and admiration for people who have convictions and commitments, and, on occasion, when they prove the effectiveness of that to actually change law.

Most of us remember the Gramm-Rudman-Hollings Balanced Budget Act that passed in 1985 and was basically reaffirmed in 1987. It gave us caps and targets and rescissions, and so on. That is still basically part of our budget law today. I have had the pleasure of serving with Senator GRAMM on the Budget Committee for many years. Serving on the Budget Committee is a thankless task, but he has been a leader within the Budget Committee. He is a person who has believed in budgets, a person who has believed in discipline, and he was able to make that law.

If you look at the Gramm-Leach-Bliley Financial Service Modernization Act, in 1998, again, he proved he could work with Democrats and Republicans to make significant revisions of law. He did that from his position as chairman of the Banking Committee.

Today we are debating homeland security, and he is one of the principal authors of the President's homeland security bill, which I hope and pray we will finish tomorrow, and, again, in large part because of his leadership, and also the leadership of Senator THOMPSON, who, regrettably, also is retiring from the Senate.

So we are losing some great Members who I hate to see leave. But, likewise, I would just like to say it has been a pleasure and a privilege to work with, in my opinion, one of the most effective, one of the most outstanding, Senators I have had the pleasure of knowing in my Senate tenure.

It has been a pleasure to have Senator GRAMM join me on the Senate floor. He has sat right behind me for the last 18 years. He has made a monumental contribution to this country and to his State of Texas.

I am very happy for both Senator GRAMM and his lovely wife Wendy and

their family. I wish them every success. I am confident they will enjoy every success. Senator GRAMM is an outstanding leader who has made invaluable contributions to make our country better. He has made the State of Texas better and he has made our country better. I thank him very much for his commitment, his effectiveness, and his public service.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Oklahoma for his remarks about the remarkable PHIL GRAMM. And I would like to attempt to make some comments upon his leaving us. My abilities are inadequate because he is, indeed, a very special American and human being.

DON has delineated a number of his historic achievements: with the budget, with health care, with homeland security, and so many others. But there are a lot of qualities about PHIL that are important.

He has told us often, particularly after the untimely death of Paul Coverdell, that we should tell those we love that we love them, that we ought not to wait. I don't know if I have said that directly to him, but I love PHIL GRAMM. I have loved him virtually since I have come to this body. He has consistently been, to me, the most principled, interesting, and courageous battler for America I have ever seen. I have said on many occasions, recognizing the poor grammar, that PHIL GRAMM is our "most invaluable Senator." By that I mean he is the one this body could least do without. I truly believe that.

This body will be diminished by his leaving. He has been a force—a force—for the best of American values. First and foremost, PHIL GRAMM has been a champion for freedom. He has never doubted, as have many of his former colleagues in the academy, the validity of the American dream. He has studied history, traveled widely, and read much. His experience and learning have only confirmed his belief in the American ideal of democracy, freedom, and free enterprise. He knows it works. He knows this has been the system that has made America the envy of the world.

As a patriot, and in possession of this important truth, he has given his total effort to preserving and extending our brilliant heritage. From the time he gets up until the time he goes to bed, he fights for these great values of America. He has done so with more purity of purpose and depth of understanding than any I have known. Yes, he can compromise, and he does on occasion, but his compromises are always focused on whether or not the deal is best for America. Will it further freedom? That tends to be his test.

First and foremost, PHIL GRAMM fully comprehends the greatness and uniqueness of America. And his life has been directed with incredible fidelity toward its preservation and enhancement.

I recall one of the great trips I have taken in the Senate. It was CODEL GRAMM to Europe. PHIL insisted we stop at Normandy and examine that scene of carnage and courage. On another occasion, we visited the Flanders Cemetery, and PHIL read us the great poem: "On Flanders Fields." We could not leave, he said, until we laid a wreath at the Tomb of the Unknown Soldier. We also carefully examined the battlefield at Point du Hoc on the Normandy coast. PHIL showed us, with great pride, where the brave Texans scaled and took that great fortified height at Point du Hoc, a key moment in the D-Day victory.

PHIL GRAMM, with great clarity, has seen his battles for freedom in this Congress—absent, of course, the physical danger of war—in the same way. He sees his role as a soldier for freedom, and that he has been. Indeed, he has been a glorious warrior for freedom.

Our heritage of liberty has always been endangered by hostile outside enemies, ignorance, corruption, and political whims of the moment within. PHIL GRAMM has stood in the breach and, in the same vein as his beloved Texans at Normandy, he has carried the battle to the enemies of freedom. Time and again, he has staked it all—put his career and his reputation on the line—for those ideals.

He has been blessed with a great partner in his glorious struggle to enhance the American dream—Wendy Gramm. Everyone who knows Wendy loves her. And so does PHIL. They are an unlikely pair: the loud PHIL and the small, brilliant, and soft-spoken Wendy. Surely, it could only have been a match made in Heaven. Wendy's balance, her integrity, and her vision for America, which she so deeply shares with PHIL, make them one of America's great couples.

Thirdly, we cannot discuss his career without considering his effectiveness in advocacy. With an economist's ability to see the big picture, PHIL has an unsurpassed ability to demolish small minded proposals. His skill in debate is legendary. I have not seen his equal in my tenure in this body. No one gets to the core of the matter better or can put the complex in layman's terms more effectively than PHIL GRAMM—no one. Some are good at spin, but PHIL GRAMM does not spin. He analyzes. He distills arguments, and he puts them to the test of rigorous thought. He reduces them to their simplest form and then demonstrates with his powerful mind and verbal skill how such proposals either further or constrict the American way.

PHIL, though quite frank and blunt, could get away with comments few others could. Many of our colleagues have quoted from PHIL some of his remarkable comments. He made a very important speech on economic relations between the United Kingdom and the United States when we were in Europe. He expressed concern about the

UK's move toward Europe. He recognized our historic relationships between our countries, and he urged them to join NAFTA. The speech made headlines all over Europe. It was a magnificent address. He knew it was important when he delivered it. He delivered it entirely without notes. I was very proud of him.

During the course of it, he noted the objections made by certain Europeans to American beef, much of which comes from Texas, of course, because of their fear of growth hormones. As an aside, he noted:

Maybe you need to eat more of our beef. It could keep you from giving up your sovereignty.

His ability to demolish the conceit of the left that government can provide Americans more and better goods and services than the private sector is also unsurpassed. His advocacy for free trade is unsurpassed. PHIL believes in the concept of truth. He respects truth, and he battles to always appeal to objective truth. Thus he is not a spinmeister. He is a Texas straight shooter.

He will challenge an opponent's flawed core principles even when it may not be politically correct to do so. He will not just dance around the issue. He goes right to the heart of the matter, with integrity and courage. A few are taken aback by his directness, but most respect his honesty even if they disagree. And he has never allowed debate to ruin friendships.

Still, PHIL GRAMM does not take the future of America lightly. It is not just a matter of debate with him. It is not a matter of polls. He works to prevail on issues important to this country's future. This is not an intellectual exercise. It is in a different way as important to him as our victories in the past have been on the battlefield. His constant goal has been to make America better.

Perhaps you think I overstate the case, but I don't think so. I think he is a special, glorious warrior for the American way of life. And why should I not say here what I have said privately; that is, that a true recording of history will list him as one of the half dozen great Senators of the past century. This warrior for freedom will not cease when he leaves this body. Who knows, he may do more good from the outside than from the inside.

What we do know, however, is that while he was here, his contributions to America and to liberty were truly magnificent. I have been honored to know PHIL GRAMM and to have been his friend. I will miss him. This Senate will miss him.

I yield the floor.

THE PRESIDING OFFICER. The Republican leader.

Mr. LOTT. I understand the Senator from Alabama has some other remarks he would like to make. I appreciate his allowing me to proceed between the remarks he just made on Senator GRAMM and others he will be speaking on mo-

mentarily. One of them is the person I want to commend, but I can't do that without thanking Senator SESSIONS for what he had to say about Senator PHIL GRAMM.

I have had so much to say about him over the past month, I won't repeat it here. I have already made some remarks on the floor and had a chance last week at the retirement dinner to talk about him. He certainly will be greatly missed. He is such a talented, intelligent, persistent but delightful person. He has been a great Senator, great Congressman. He has a very large record of which he can be proud. I have worked with him in the House when he was a Democrat, in the House when he was a Republican, and in the Senate.

There are a lot of bills that would not have passed, a lot of issues would not have been properly handled if he had not been willing to take the time, dig into the substance, and get them done. But they are great bills, great laws that have his name on them: Gramm-Latta, the first budget of the Reagan years; and Gramm-Rudman-Hollings, which was a budget restraint mechanism he put in place in the 1980s here in the Senate; and Gramm-Leach-Bliley, the reform bill on financial services that was passed a couple years ago, and many others. But I took the time recently to add up bills or issues that I knew he was involved in just over the last 2 years that would have been much more expensive if they had passed, would have been hugely expensive. He probably has saved the taxpayers over the past 2 years somewhere close to \$1 trillion, certainly in the hundreds of billions of dollars.

There might be those who say we should have spent that money. Well, you can argue that, but I can show direct cases where he has helped influence legislation or stopped legislation that would have been very costly to working taxpayers in America.

I thank Senator SESSIONS for what he had to say today.

TRIBUTE TO R.J. "DUKE" SHORT

Mr. LOTT. Mr. President, I rise this afternoon before the Senate adjourns for the year to recognize the extraordinary contributions of an individual who is not a Senator but who, in addition to having been a long time staff member here, is one of the Chamber's most beloved individuals, I believe. That is R.J. "Duke" Short or, as Senator THURMOND would call him, "Duke Short," which is pretty hard to understand if you don't know what he is actually saying.

My colleagues on both sides of the aisle know well that Duke has served for the past decade as chief of staff to the legendary Senator THURMOND, who is retiring next year at the age of 100. Duke has served our "centennial Senator" with incredible ability and grace. His judgment, his demeanor, and his knowledge on both the ways and traditions of this Chamber have impressed me. I have actually gone to him and asked for advice and made sure he

knew what we were thinking about doing and making sure Senator THURMOND was comfortable with that.

I know many Senators have gone to Duke and sought his counsel as one of our longest serving and most effective staff members.

In so many ways Duke has been the Senate's unelected 101st Senator, I believe. The trust Senator THURMOND puts in him is obvious to anyone who has watched the two of them interact over the years. Duke is STROM's most constant companion, his closest and most trusted adviser and, I believe, his dearest friend. Theirs is not the usual relationship of a Senator and staffer. It is more like a father and son.

I know that Duke has had opportunities to go do other things, but at the urging or at the request of Senator THURMOND, he stayed. And he is going to stay with Senator THURMOND to the last day the Senator is here.

Even though they have been close on a personal basis, Duke Short has not misunderstood his role or stepped beyond the boundaries into the role of an elected official. He has always had a clear understanding of his responsibilities and, most importantly, where his job ends and an elected official's begins. It takes a person of extraordinary integrity and incredible common sense to be able to juggle both the role and the responsibilities that Duke Short has shouldered, and I can say without hesitation or equivocation: Well done, Duke. He should be very proud of his service to the Senator, to the Senate, and to his country.

By the way, there is something more to his career than his service to Senator THURMOND and the Senate. He served in the Army's prestigious 82nd Airborne. Then he came to the Senate as a staffer in 1974, where he served as a senior investigator for the Subcommittee on Internal Security.

He rose quickly through the ranks, later serving as chief investigator of the full Senate Judiciary Committee where he oversaw literally hundreds of judicial nominations and helped shepherd through the confirmations of Chief Justices and Associate Justices who now sit on the Supreme Court. To this day, he is remembered fondly by judges and justices all across the Nation as the individual with whom they worked most closely and who was always courteous and wise in his counsel as to how they should conduct themselves during the confirmation process.

As in his other duties in the Senate, Duke performed in the confirmation arena with the greatest dignity and integrity. Many of you may be surprised to know that Duke Short had a life before even his military service and before coming to the Senate. He was a U.S. Treasury Department agent and received numerous awards for distinguished service and assistance to our Nation's Federal, State, and local law enforcement officers and officials.

But it wasn't always the law enforcement, investigations, or government.

He also originally was a chiropractor. That was his original profession. He is a graduate of the Palmer College of Chiropractic with the degree of Doctor of Chiropractic. Maybe there was some other role he performed for the Senator that we didn't know about.

What an interesting career this gentleman has had. He is an alumnus of North Georgia College and the recipient of South Carolina's most distinguished civilian award—the Order of the Palmetto. He is, of course, most fortunate to be married to Dee, a charming lady whom we will miss along with Duke when they go on to their next career.

I know my colleagues join me in wishing Duke good luck and our best wishes as he leaves the Senate in January at the conclusion of Senator THURMOND's record-setting term.

We will miss Duke's good humor and his style. He is the epitome of a Southern gentleman. He leaves this institution with a marvelous record. Too often we commend each other and we talk about the great deeds of Senators, and not enough attention is given to loyal staff members who serve in this body and in this room and on committee staffs and on personal staffs. But Duke Short could not leave without proper recognition of his service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the distinguished Republican leader for those comments about Duke Short. I likewise want to say something about him and didn't know that he intended to make those remarks.

Duke has been a friend of mine for 20 years. I have admired him greatly. He is the kind of person who comes along and reaffirms your faith in basic democracy, basic decency of the human race. After 30 years of service in the Senate as a senior staff member, he will be leaving.

Our Nation—and particularly the State of South Carolina—owes Duke Short a great debt of gratitude for his many years of distinguished and able public service in the Senate. As my colleagues well know, he served for many years as chief of staff to our legendary STROM THURMOND, who retires next month at the age of 100, after more than 47 years of service in this Chamber.

Over the years he has worked with Senator THURMOND Duke has earned a reputation as someone who always conducted himself with the utmost integrity and honesty. Given great authority—perhaps more than almost any other staff member in the Senate—he always dedicated himself to the highest principles of public service and demonstrated an uncompromising devotion to his mentor and boss, STROM THURMOND.

There is, among the world's cynics, a belief that the longer men and women remain in positions of public trust, the more they fall victim to the vagaries of

power and influence. Duke Short stands as a wonderful exception to that rule, an example of truly unselfish public service, whether as a Federal agent or in the Army, a man who dedicated his life to things bigger than himself and found, in turn, enormous satisfaction in the giving.

In his years in the Senate—at least the ones I have been privileged to witness—Duke Short has earned more than just satisfaction from a job well done. He has earned, I believe, the respect, admiration, and friendship of every Senator in this body. In so many ways, he was one of us—a Member of the Senate family who never forgot that the only real power in politics is that which we hold from the public, and his only reason for service was to serve his Senator.

Duke came to the U.S. Senate in 1974 as a senior committee investigator. It was the beginning of a long and extraordinary partnership between him and Senator THURMOND. When STROM became chairman of the Senate Judiciary Committee in 1980, Duke was appointed chief investigator and, in that capacity, he oversaw and coordinated the confirmation of Chief Justice William Rehnquist, Associate Justices O'Connor, Scalia, Souter, Kennedy, and Thomas. He became the Senator's chief of staff nearly a decade ago and has served in that capacity ever since. All of us came to rely on Duke's judgment, his unerring sense of fair play and, of course, his uncanny ability to always represent the wishes of his boss, Senator THURMOND.

Prior to coming to the Senate, Duke served the Nation in other important ways. He was a member of the Army's prestigious 82nd Airborne Division and a respected U.S. Treasury Department agent. His contributions to law enforcement are legend within South Carolina and throughout the Nation. He has been a recipient of numerous national, regional, and State awards from law enforcement associations, and he was presented in 1990 with the State of South Carolina's highest civilian award, the Order of Palmetto.

When Senator THURMOND was chairman of the Senate Armed Services Committee, Duke served as a close adviser on a wide range of issues from preparedness to nuclear arms control. Once again, he earned the respect of the Nation's highest officers and service chiefs, in addition to Cabinet members and the national security staffs of several Presidents.

Duke Short is one of those rare staff members whose expertise and judgment are called upon in a variety of settings. Through it all, he also demonstrated more than just a vast technical knowledge of different issues; he impressed us all with his deep and abiding love of and respect for the institutions of the Senate, as well as the vital importance of the legislative oversight process.

In all these arenas, Duke Short distinguished himself as an individual of rare humility. Working closely with

Presidents, Cabinet members, Senators, Justices of the Supreme Court, and even foreign leaders, Duke's style always managed to disarm, to respectfully inform and, taking a page out of STROM THURMOND's book, to politely and diplomatically move situations to where the people of South Carolina benefited most.

Finally, Duke is fortunate in one other area. He is married to an exceptional lady, Dee, who is truly the apple of his eye and one of the great inspirations of his life. Duke and Dee Short have always managed to light up any social and business event they attended.

Mr. President, the Senate will miss Duke Short's leadership, but individually I believe each of us will miss our friend, Duke Short. In an era of increasing rancor and incivility in public life, Duke Short's easygoing manner, his lighthearted humor and unswerving loyalty to country and friends will be sorely missed.

On behalf of a grateful Senate, thank you, Duke, for your good work and good will. May God continue to bless you and your fine family.

Mr. HATCH. Mr. President, for the past several decades, serving one of the United States Senate's most legendary figures—Senator STROM THURMOND of South Carolina—has been Robert J. Short. I rise today to pay tribute to the man we in the Senate fondly know as “Duke Short.”

Duke is to be commended for his fine work and years of dedication to our Country. When I first arrived in Washington, DC., in January of 1977, Senator THURMOND was my senior on the Senate Judiciary Committee. As I settled in to my new role on the Judiciary Committee, I came to know and respect Duke, a bright and eager individual who was working at the time as Chief Investigator on the Committee.

Duke had first come to work in the Senate in 1974, and until 1976, he served as a Senior Investigator on the Senate Subcommittee on Internal Security. From 1976–1989, he was the Chief Investigator on the Senate Committee on the Judiciary. He has served as Chief of Staff and Administrative Assistant to President Pro Tempore Emeritus Senator STROM THURMOND since 1989.

Throughout the course of Duke's work in the Senate, he has assisted in the confirmations of literally hundreds of district and circuit court nominees, and of every sitting Supreme Court Justice. He played a key role in assisting the Judiciary Committee in its inquiry in the 1960's into motorcycle gang violence, as well as many other important matters. He has developed a remarkable wealth of knowledge about the Senate as an institution, and is widely respected by Senators past and present on both sides of the aisle.

Duke has been recognized throughout his distinguished career with many prestigious awards, too numerous to mention here, but most recently including a Reserve Officers Association

Appreciation Award in 2000, an FBI Director's Appreciation Award and the Order of the Palmetto—the State of South Carolina's highest award, in 2001. This year, Duke received the ACA's Third Annual Patients' Champion Award.

Duke's career has been characterized by service to our great Country, not only in his work for the Senate for nearly thirty years, but in his earlier service in the U.S. Army with the 82nd Airborne Division, and as a special agent in the Intelligence Division of the Department of the Treasury.

Duke Short has served Senator THURMOND, South Carolinians, and his country well, with the spirit and endless dedication of a true patriot. We will sorely miss him in the United States Senate and wish him all the best in his retirement.

TRIBUTE TO STROM THURMOND

Mr. SESSIONS. Mr. President, I will now take the opportunity to pay tribute to the senior Senator from South Carolina, the Honorable STROM THURMOND.

The accomplishments of this man in his nearly 100 years of life, are truly amazing. All of his continuous years of public service to our country illustrate that Senator THURMOND's life has put the service of his country first. Born on December 5, 1902, in Edgefield, SC, he graduated from Clemson College, now Clemson University, in 1923. He studied law under his father.

For 8 years, he served as the town attorney, and he also served as a South Carolina State senator.

A true patriot, he joined the U.S. Army Reserve as a second lieutenant in 1924. He landed in Normandy on D-Day with the 82nd Airborne Division during World War II. He had been a judge. He was in his forties. They did not really want him to join the Army at the time the war broke out. He insisted that he be allowed to do so and walked away, as some would say, old enough to know better. But he ended up in Great Britain preparing for Normandy and the invasion with the 82nd, and he again volunteered. He volunteered to be on the glider force that would fly in behind enemy lines at the time of the D-Day invasion.

He got into one of those gliders. They are pulled off by bombers, and let go. Hopefully the plane lands safely. He was asked one time: How was the landing, STROM?

He said: All I can say is I didn't have to open the door; you could walk out the side.

None of these landings were safe. It was a highly dangerous mission. He volunteered in his midforties to do that. He stayed until the end of the war. I asked him if he stayed to the end. He said yes, until Germany surrendered in combat and he was put on a train heading toward the Pacific when Japan surrendered. He earned 18 decorations, medals, and awards, including the Legion of Merit with oak leaf cluster, Bronze Star for Valor, and the Purple Heart, among others.

His political career flourished when he was elected Governor. In 1948, he decided to run for President of the United States as a States rights candidate. He carried four States and received 39 electoral votes, the largest independent electoral vote in U.S. history.

However, the most memorable moment, I guess, came when he was elected to the Senate in 1954 as a write-in candidate. In the Senate, the highest office ever to be elected by a write-in, I understand, in the Senate, STROM THURMOND served on several committees. He has been a fixture on the Armed Services Committee on which I serve and where he has with constancy of purpose fought for a strong America and for our veterans. He served as chairman of this committee from 1995 to January of 1999 and was bestowed the great honor of being named chairman emeritus in 1999. Serving with Senator THURMOND on this committee was a great learning experience.

I am convinced his combat experience provided him with an excellent background to understand the intricacies of our military and the need of this Nation to be strong and avoid war but to win it, if necessary.

He has helped lead our effort in this Nation to victory in the cold war, to defeat and challenge head-on godless, totalitarian communism, a force incompatible with American values. He never faltered. He stayed the course throughout the entire cold war. He celebrated its victory.

He never was among those souls who waned, who blamed America first, who always thought America was at fault and causing the problems in the world.

His career was marked by determination, surely based on personal experience with war, to never have our soldiers outgunned in war. This was a magnificent service to our country, of historical importance, and in which he played a key role.

Additionally, I have had the pleasure to serve with Senator THURMOND on the Judiciary Committee where he has been a member since 1967. He served as chairman from 1981 to 1987 and chairman of the Subcommittee on Constitution, Federalism, and Property Rights from January to June of 2001. Coming from a lineage of law study and being a former judge, Senator THURMOND has cherished his role on this committee and continues to work to promote the rule of law and assure quality judges are appointed to Federal courts.

He has been a champion of the rule of law on the Judiciary Committee for 35 years. Yes, he has changed many of his views over the years. He came to see segregation was wrong, that it hurt African Americans, whites, and it hurt America. Still, his classical view that the law is sacred, that it must be followed, never wavered.

His leadership in passing the Federal sentencing guidelines was perhaps the greatest change in criminal law in the entire last century. It was enacted to equalize sentencing—those who com-

mit the same crime serve the same time—and it abolished parole. He was a tower of strength in the battle to bring back respect for law enforcement, to provide rights to crime victims, and to crack down on criminals.

As a former prosecutor, I am convinced the great battles he led in the 1980s—sentencing guidelines, abolishing parole, allowing for the denial of bail in certain circumstances—were historic steps that stimulated the strong efforts by State law enforcement to break the back of the surging crime rates of the sixties and seventies and resulted in substantial reduction in crime.

Longer prison sentences for repeat and dangerous criminals have saved thousands of innocent lives. People have not been murdered because dangerous criminals have been apprehended and locked up. No man gave more steadfast leadership to this change than STROM THURMOND. Indeed, he appointed the first chairman of the Sentencing Guideline Commission who did a remarkable job, or at least he sought the appointment of Judge Wilkins from South Carolina.

One of the great memories I have of spending time with Senator THURMOND was when he asked me, a new Senator, to accompany him on a trip to China in 1997. On this trip, we had some time to climb the Great Wall of China. Senator THURMOND was the oldest person ever to climb the Great Wall unassisted, and it was quite a climb. His ability to put situations in perspective is illustrated by the fact that upon reaching the top of the wall, he said: This is a big wall. Let's go. Up early to exercise, dining late often, as we did on the trip, he did not flag, leaving the rest of us in his wake.

Though he is nearing the century mark, his determination to fulfill his service is remarkable. Just this past week, we had the elections of the Republican leadership. Senator THURMOND was there at 9 a.m. for the elections. Then we had our lunch with the Republican Policy Committee while last-minute issues were discussed, and he attended that. That afternoon, the Defense authorization bill was up for debate and passage. He was one of the few Senators to be in the Chamber, and only at 15 minutes till 6, when he was sure no votes would be held that night—which he asked me to confirm was accurate—did he leave. It was a long, hard day.

That is typical of his commitment to service. His fierce commitment to America and the Senate is legendary. During his service from 1994 to 2000 as President pro tempore of the Senate, he was consistently on time every morning to open the Senate, conduct the Pledge of Allegiance, and introduce the Chaplain for invocation. He knew the importance of his office, and he did not fail in that responsibility.

It has been a monumental career, a life almost larger than life. STROM THURMOND has set a high standard for

duty, service, and country. It has been my honor to know and serve with him. He is a true southerner, a true American, and a true patriot.

STROM THURMOND will be forever remembered as a man who for a century was a vigorous proponent of strong national defense, a sound legal system composed of judges who follow, not make, law, and justice for victims of crime, and stiff punishment for wrongdoers.

One of his most enduring qualities, a quality that undoubtedly is a factor in his longevity, is his positive view of life, his optimism, his cheerfulness, and positive leadership which still are remarkable and continue to this day.

I am sure there have been times when he did not feel well, but his hearty greetings never changed. I have enjoyed hearing him call to me and say: How's the king of Alabama doing today?

Having watched his leadership for 6 years now in the Senate, I am convinced his positive leadership and character are major factors in his success.

I thank the Chair and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORZINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO SENATOR HUTCHINSON

Mr. NICKLES. Mr. President, Senator TIM HUTCHINSON of Arkansas, one of our colleagues, will soon be leaving us. I thank him for his service to his State and also to our country.

For the last 6 years, I have had the pleasure of working with Senator HUTCHINSON. He is a neighbor; he is a friend. I have gotten to know him very well. He served on my whip team. He is a very energetic and dynamic person who I think served his State and our country very well.

He served in the Arkansas State House of Representatives for 8 years. He served in the U.S. House for 4 years. I got to know him when he served in the statehouse, and I was very impressed with him. Actually, his congressional district was adjacent to that of Oklahoma. So I got to know him then. When he came to the Senate, I asked him if he would serve on my whip team, and he did. We became very good friends. He is a very energetic and committed person who did an outstanding job in the Senate. He is also a very intelligent and diligent Member.

He served on the Armed Services Committee and the HELP Committee and did a fantastic job. I worked with him. I was chairman of the task force dealing with the Patients' Bill of Rights and then was made chairman of the conference on the Patients' Bill of Rights. Senator TIM HUTCHINSON was there all the time, trying to pass a good and affordable Patients' Bill of

Rights, one that would not bankrupt employers and one that would help provide good rights for patients all across this country. It has been a pleasure and privilege to serve with TIM HUTCHINSON in the Senate.

In the Senate we have the opportunity to work with outstanding individuals. TIM HUTCHINSON is one of those individuals. The election did not work out for him, but I am very optimistic that his future is very bright indeed. I thank him for his service to this body. I think he has made the Senate a better place, and I compliment him for his service.

TRIBUTE TO SENATOR FRANK MURKOWSKI

Mr. President, I also wish to comment on our retiring colleague, Senator FRANK MURKOWSKI. Senator MURKOWSKI and I were elected together in 1980, so we have been very good friends for the last 22 years.

I have served with Senator MURKOWSKI for the last 22 years on the Energy Committee. For the last several years, he has been the chairman of the Energy Committee. Talk about persistence, about dedication, and about a person who has really served his State of Alaska and served our country well; it is Senator FRANK MURKOWSKI. As a result of his leadership, many of us have gone to Alaska.

Senator STEVENS and Senator MURKOWSKI love their State. We all love our States, but they love their State with great enthusiasm and are very successful, forceful advocates for their parochial interests, as well as for our country.

Senator MURKOWSKI was thinking about how he could improve his State, but he was also thinking about our national energy posture. Frankly, we find ourselves in very difficult shape; we are importing the majority of our oil, and it only gets worse. He has tried to reverse that trend.

I compliment him for his leadership on the Energy Committee. He was a very effective and forceful chairman of the Energy Committee and served our country very well there.

I also had the pleasure of serving with him on the Finance Committee. He is a person who is a very good friend of taxpayers, a person who really wanted to grow our economy, and a person who I think was recognized by his State for his outstanding leadership. He was recently elected as Governor of the State of Alaska, and I have no doubt he will be an outstanding Governor of that great State.

So my compliments to Senator FRANK MURKOWSKI and to his lovely wife Nancy. They are very good friends of ours, a very outstanding senatorial couple who have made the Senate a better place and who make our country a better place. I thank and compliment him for his 22 years of service in the Senate and look forward to working with him as the next Governor of the State of Alaska.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO SENATOR TIM HUTCHINSON

Mr. SESSIONS. Mr. President, I thank the Senator from Oklahoma for his kind remarks about Senator TIM HUTCHINSON. He was one of my closest friends. He and Randi are fine people. We served together on the Armed Services Committee and the Health, Education, Labor, and Pensions Committee. I saw him perform day after day with fidelity to the principles that he campaigned on when he came to the Senate. He fought for what he believed in. He was one of the most able advocates in the Chamber. I do not think you could name on the fingers of your hand any Senator who could compete with him insofar as advocating positions on the floor. He stood for the great values of America.

While on the Armed Services Committee, I remember one battle he got into as Personnel Subcommittee chairman. He made great progress in regard to the problem of the great educational institutions in America, colleges and high schools, that barred military recruiters from coming on campus to recruit personnel for a career in the military. It is unthinkable to me that that would occur, but it happens in this country.

Indeed, the very liberties we have that provide for education and allow people to debate and disagree are protected by our military, and it denied them the right to come on campus to seek people to serve, which is really unbelievable. He fought that battle and reached an agreement eventually that essentially achieved the end of that unconscionable procedure.

He also presided on that subcommittee during consideration of a consistent series of pay raises for our men and women in the military. We have now gotten to the point where we are seeing our military get paid a far more decent wage than they were a few years ago.

On the HELP Committee, he was a prime advocate for the President's No Child Left Behind bill. He and I sponsored legislation called Dollars to the Classroom. We intended to put as much money to those teachers where learning occurs to try to enhance those magical moments when a teacher and a child come together and learning occurs. That was our vision, that is what we fought for, and No Child Left Behind had a lot of that in it.

As Senator NICKLES said, Senator HUTCHINSON fought for and was a great advocate during the battle over the Patients' Bill of Rights. He was a very responsible and articulate spokesman on some complex issues on which Senator NICKLES led us as we carried on that

debate. I do appreciate him remembering and commenting on the extraordinary contributions of TIM HUTCHINSON. We are going to miss him. I will miss him personally. His leadership will be missed. I know he will have a great future in front of him.

TRIBUTE TO SENATOR FRANK MURKOWSKI

Mr. President, it is a sad day to think FRANK and Nancy MURKOWSKI will not be with us. I admire them so much.

We have had the occasion, my wife Mary and I, to spend time with them. I have come to respect him. I was in Alaska not too many years ago and passed his home in Fairbanks and talked to some of his neighbors, all of whom had such a high opinion of him.

He was a champion for energy. He understood that energy is good, not bad. He understood we need a great capacity, at the lowest possible cost, so American citizens can carry on their travel, heat and cool their homes at the lowest possible cost. Keeping energy costs down is important. He knew and warned us repeatedly that we were becoming too dependent on Middle East oil and energy and we needed to enhance our domestic production. He convinced me and almost the majority of this Senate that Alaska and the ANWR reserve could produce large amounts of oil with no threat to the environment, touching only the smallest portion of that vast reserve. I admired him for that and I supported him.

He also supported one of the programs that I believe was extremely environmentally friendly, the bill we call the CARA Act, which would allow revenue from offshore oil and gas wells in the Gulf and wherever they would drill to be plowed back into environmental programs in our country. It would provide a constant and guaranteed source of funds for environmental benefit. It was a good and forward-looking bill, far more historic, with greater potential for environmental benefits than a lot of people understood—although it did certainly have broad support in the environmental community.

It has been a pleasure to serve with FRANK. I have been impressed with his steadfastness, his constancy of purpose, his understanding that your message has to be repeated to break through the sound barrier in the country. I admire him and respect him very much. We will be missing him. I look forward to having the opportunity to visit FRANK and Nancy as often as possible when they come back to the capital city here as Governor of Alaska.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HOMELAND SECURITY

Mr. BYRD. Mr. President, tomorrow morning the Senate will vote on the amendment introduced by Senator DASCHLE to the homeland security bill. This amendment will strike several provisions in the bill that were added by the other body in the dark of night without their ever having seen the light of day until after they were adopted. I have added my name as a cosponsor of the amendment because I was troubled by the substance of these last-minute provisions. I was pleased that Senator DASCHLE and Senator LIEBERMAN were taking action to strike the new language from the bill. I support the amendment and I hope that other Senators will support it, as well.

I have cosponsored the amendment because I believe the Senate has a duty to take the time to improve legislation when it needs improving, as it does, obviously. This bill certainly needs improving. I had hoped that more Senators would be able to offer their amendments to this bill.

I have heard several of my colleagues expressing concerns about what is in the bill, as well as what is not in the bill. I have concerns of my own, many of which I have expressed in recent days. I also have amendments that could be offered to address these problems, just as other Senators have amendments that they had hoped to offer. But here we are, consuming all of our time under cloture in consideration of this single amendment. The Senators in the minority are keeping us from voting on the Daschle amendment until all 30 hours of debate have run. The Republican side of the aisle is doing this to prevent other amendments from being offered during this time.

While the administration is pressing hard to avoid other amendments, the die was already cast for this bill when the Senate voted last Friday to invoke cloture. Caesar crossed the Rubicon on January 11, in the year 49 A.D., on the night of January 11. Whether he crossed the Rubicon before midnight or after midnight on that night, I don't recall; I am not sure I ever knew. It was on that night that he crossed the Rubicon. He paused thoughtfully and then he said:

The die is cast.

So be it.

I voted against cloture last week on Friday because I believed that there were problems in this bill that should be thoroughly addressed in the Senate; that we needed more time to debate those problems and that we needed more time in which to offer amendments to the 484-page bill that had been dropped on our desks on the morning of last Wednesday. I tried to get some of our Democratic colleagues to vote against cloture on Friday, so that we would have a little more time in which we Senators and our staffs could study that hurriedly-put-together bill, hurriedly passed by the

other body. I felt that we should not invoke cloture on last Friday, that we should take a few more days, study the bill, and try to amend it before cloture, as I knew, would finally be adopted.

But my words were to little avail. There was at least one Senator who did vote against cloture at my importuning him to do so. And I deeply appreciated his willingness to listen and his willingness to vote against cloture.

There were others who were not quite so willing. They listened patiently, but they went on their way and voted for cloture. Some of them thought that, inasmuch as we would then have 30 hours under cloture, we could offer our amendments. But I knew that the entire 30 hours could be spent on one amendment. I had never seen it done before, but it very well could be. I was aware of that. I didn't think it would be done, but we have seen it has been done by the Republican minority, which has said: This far; no farther. You have offered one amendment, that being the Daschle amendment on behalf of himself and Mr. LIEBERMAN—you have offered that amendment, and the entire 30 hours will be spent on that amendment. You will not have any opportunity to offer any other amendment.

I still believe that there are serious problems in the bill that go far beyond the provisions stricken by the Daschle amendment. That was not an all-encompassing amendment as far as I was concerned. It was an amendment in the right direction but, even with the adoption of the amendment, there is going to be a tremendous amount of power shifted to the President. He is going to have a full year in which to indicate to the rest of us what his plan is for reorganizing, and for organizing the new Department. He probably doesn't know at this moment what his plan will be. But he has a year, under this bill, to offer his plan. And it will, ipso facto, automatically go into effect at some point. Congress is out of the loop. Congress will not be asked to approve his plan. Congress will only be informed of his plan. That's it. We have no further say in the matter.

So his plan, being a pig in a poke, a plan which we do not know now, that plan will at some point go into effect without any further vote on the part of Congress. Congress will not be asked to approve it. And this bill, which we will pass on tomorrow, will not give Congress the right to vote to approve that plan.

Moreover, an amendment, if I had been able to offer it, to provide for congressional approval—that amendment would not have been germane under cloture. So we were headed off there. So we have helped to cut our own throats, to a degree, by having voted for cloture last Friday.

I urged Senators last Friday, as I said before, not to vote for cloture last week, so we would have more time in which to read and study this bill that was dropped suddenly into our laps by

the other body. I pleaded with this Senate not to shut off debate and limit amendments, and 28 other Senators voted with me not to do so.

There were 29 Senators who voted against it and they were all Democrats. Mr. President, 29 Democrats voted against cloture last Friday. Only 17 Democrats voted for some cloture. There were other Democrats who were absent and not voting and their votes, of course—at least four of those Senators would have voted against cloture. That would have brought the vote up to 33 votes against cloture, well over half the Democratic caucus. So that if only six of the 17 Senators who did vote for cloture last Friday had not voted for cloture and voted against it, or had not voted for cloture, then there would have only been 59 votes for cloture, which would have meant that cloture would not have been invoked.

Sixty-five votes in totality were for cloture. So all that was needed to defeat cloture was for six of those Senators who voted for cloture to vote against cloture.

Many of my colleagues last week, as I pleaded with them to vote against cloture, reassured me that we would have the opportunity to offer amendments after cloture was invoked. But those Members should look carefully at where the Senate stands today, because there is an important lesson to be learned about the rules of the Senate and the effect of cloture on the ability of Senators to offer amendments. Not only have Senators been restricted to offering only those amendments that are ruled to be germane—and we know that under the cloture rule—but Senators have been unable to offer any amendments at all, other than the amendment introduced by the majority leader.

Not all Senators could foresee that would happen, but all Senators should have known that could happen under the rule. It did happen. So I hope the Senators who voted for cloture, some of them at least, will have some afterthoughts that will help in the future to remind them that we ought not be in such a great hurry to invoke cloture, especially on an extremely complicated bill which has been brought to our attention in its entirety just within the past few days beginning with last Wednesday.

When I say to Senators that we should not shirk our responsibilities as legislators by invoking cloture, especially so quickly, so early on, I understand the kind of opportunities that are available under cloture, we will all understand this in the future.

I understand that the rules of the Senate have been used fairly to prevent amendments from being offered to the homeland security legislation. When I hear the arguments that voting for the single amendment that has been offered will jeopardize passage of the bill, I understand that such arguments were made possible by the vote to invoke cloture.

The Senate has painted itself, in a way, into a corner, by invoking cloture on the Thompson amendment. We have no one to blame but ourselves for allowing the administration and the other body to characterize this modest amendment as a threat to the passage of homeland security legislation. The administration wants to limit any amendments to one up-or-down vote so that the administration can argue that a vote for this amendment is a vote to “kill” the homeland security bill. There is simply no basis whatsoever in fact for the administration’s attempts to politicize this vote by claiming that the vote on this amendment by Mr. DASCHLE and Mr. LIEBERMAN will kill the bill.

This legislation has been introduced for consideration by the Senate, and the extent of that consideration should not be confined to a few days of debate over whether simply to rubberstamp the legislation so it can be sent to the President for his signature.

If the President wants to insist on getting this bill passed before Congress adjourns, he could persuade both Houses of Congress to pass bills and work out their differences in conference. Such a conference is one which may or may not take very long.

As a matter of fact, the House could very well accept the amendment, if the amendment by Mr. DASCHLE and Mr. LIEBERMAN should prevail—the House could very well accept that amendment, and the bill would go to the President.

For now, I think the Senate should do its job. Senators need to look carefully at the bill, do what they can to make improvements before voting. And they only have this one chance—vote up or down on the Daschle amendment.

That will help some but not enough. But that might allow some Senators in their own good consciences to vote for the bill. As far as I am concerned, it is not enough because there would still be a tremendous shift of power from the legislative branch to the President. And I don’t feel like shifting that power to any President—not just this one, but in particular this administration with its way of wanting to do things in a secretive manner and wanting to run a government out of the White House, and not in the full light of day or under the full scrutiny of the press and the people.

I intend to vote against this bill, and I know that a majority of Senators will likely vote for it. But whether Senators plan to vote for this bill or against it, we should all work to make sure that the Senate passes the best possible bill that it can under the circumstances. We ought to act responsibly in response to this eleventh-hour legislation that did not see the light of day until only a few days ago. We should not surrender our duties under the Constitution by allowing legislation to be dictated to this Senate in an atmosphere of political brinkmanship.

Senator DASCHLE’s amendment strikes a number of very troubling pro-

visions that were added to this bill at the last minute in the hopes that the Senate would cave in to the administration’s empty rhetoric. Senator DASCHLE and Senator LIEBERMAN have called this bluff, and this amendment has cast a high-powered spotlight on language in this bill that cannot possibly withstand the light of day and the strict scrutiny of time. These shameful provisions could never survive public scrutiny, and now that they have been brought into focus, the Senate must ensure that they do not survive our consideration.

So let us see on tomorrow whether or not the Senate has the will and the courage to take a strong stand against this power grab. That stand can be taken by voting for the Daschle-Lieberman amendment.

This amendment strikes several provisions in this bill that do not deserve to be enacted into law. The first of these provisions is one that I have previously addressed, relating to unnecessary and dangerous exemptions from the Federal Advisory Committee Act. The language in this bill would give new blanket authority to the Secretary of Homeland Security to exempt advisory committees from existing public disclosure and conflict-of-interest rules. These rules already allow exemptions for sensitive information relating to national security. This bill would allow the Secretary to cloak committee activities behind a veil of secrecy, regardless of whether those activities actually involve issues of national security.

I believe that too much secrecy in government is dangerous to our civil liberties, and we should not authorize such broad exemptions without compelling evidence of the need for unchecked blanket authority.

The President of the United States already has that authority on a case-by-case basis. But now we are going to extend it to the Secretary of the new Department, and of course he can exercise blanket authority if he so wishes.

If we are to preserve our liberty and the integrity of our constitutional system, executive decision making must be subject to scrutiny and oversight by the Congress, the media, and the public. I support striking this language from the bill, and I thank Senators DASCHLE and LIEBERMAN for bringing it to the attention of the Senate.

The Daschle amendment also strikes several provisions in this bill that protect corporate campaign contributors from lawsuits. The first of these provisions would prohibit lawsuits against companies that manufacture vaccines by people who have been harmed by those vaccines, including children suffering from autism as a result of preservatives used in childhood vaccines.

Another of these liability provisions would enact sweeping tort reform for products that are designated as anti-terrorism technologies. These provisions would protect companies that manufacture everything from gas

masks to computer software when their products fail, even when the companies know that their products will not work.

The final liability provision would give immunity to companies responsible for providing security screening in airports. The Senate rejected similar language last year during its consideration of the airline "bailout" bill, yet now we are being asked to approve it because it has been inserted into politically popular legislation. The attempt to slip this provision past the Senate is another example of the haste with which this bill has been drafted and considered by this Congress. Issues like these liability provisions should be carefully scrutinized before they become law, not just rubber-stamped by impatient lawmakers looking to put issues behind them and go home.

Another provision that has already been considered by this Senate relates to doing business with companies that have moved their headquarters out of the United States to avoid paying U.S. taxes. In its consideration of the Lieberman substitute to the homeland security bill, the Senate adopted an amendment offered by the late Senator Wellstone that prohibited the Secretary of Homeland Security from contracting with such companies, unless he needed to do so for national security reasons. The Thompson substitute guts the Wellstone amendment by allowing the Secretary expanded powers to waive this prohibition to prevent the loss of jobs or to save money for the government. The Senate should reject this attempt to undermine the will of the Senate by restoring the language of Senator Wellstone's amendment to the homeland security bill.

The Thompson substitute also tries to slip in language to delay the implementation of new airport security regulations. The Senate enacted procedures in last year's airline security bill for the Transportation Security Agency to issue regulations for improving security in our Nation's airports. The new language in the Thompson substitute would modify these procedures by requiring the Transportation Security Oversight Board to ratify any regulations before they become effective. I see no good reason for this modification. If there is one, the Senate should take the time to debate it rather than hastily approving it as part of this massive legislation.

The final provision that will be stricken by the Daschle-Lieberman-Byrd amendment is the language directing that a new homeland security research center be created at Texas A&M University.

I don't think the amendment specifically says that, but its provisions are such that that particular university would be most favored and targeted for location of such a center.

The amendment removes items from the list of highly specific criteria which all but guaranteed that Texas A&M would be the only university

which would qualify for the new research center.

Mr. President, striking these provisions from the Thompson amendment is a good start. I believe that the Senate should go further in fulfilling its constitutional duty to improve this legislation before passing this bill. I believe there are many other provisions of this bill which should be stricken and begun anew next year.

In fact, I think we would all be more secure if we put off the whole bill and started over next year.

For example, there is a provision that the President may submit his recommendations to Congress and the only thing that Congress can do is just at that point agree to his recommendations. The Congress has no opportunity to approve or not approve of those recommendations as far as this bill is concerned. We might expect a great deal of chaos as these 28 agencies are moved into the Department. This will take place within the next year. The President has not yet submitted his plan for having the agencies moved into the new Department, but his plan will be submitted at some point and, *ipso facto*, will go into effect.

Under an amendment which I had offered earlier to the homeland security measure—that being at that time, I believe, the Lieberman bill that came out of the committee of which he is chairman—I had offered an amendment to provide for an orderly phase-in of agencies into the new Department over a period of a year.

Under my amendment, the recommendations of the administration would have gone to the Lieberman committee and to its counterpart in the House of Representatives. And those two committees would have had an opportunity, then, to hold hearings and, under expedited procedures, could have brought out bills, reported bills, to implement the phasing in of agencies into the new Department, with there being three phases, of 120 days each, which would have created an orderly process whereby these various agencies would have been phased into the new Department.

Also, the Congress would have been kept in the loop in each case, with the Lieberman committee and its counterpart in the House being able to hold hearings, call witnesses, vote out bills by expedited procedures. Those bills would come to the Senate. They could be called up in the Senate under expedited procedures so that there would be no filibuster, and those bills would be amended, passed on; and in this way the creation of the new Department, with the orderly phasing in of the agencies, would occur over the same period of time—1 year—as is the case with the current bill.

As it is, when we pass this bill in the Senate, we are out of the loop; we have automatically put ourselves, the Congress, to the sidelines. And the President then can do as he wishes. He can submit his plan, and that plan would

automatically go into effect. Congress will be on the sideline. We will have said: Here it is, Mr. President. It's all yours. We have no more say in it. It's yours. Just be kind enough to let us know what your plans are. That's all we ask. Let us know what your plans are.

But under my amendment, those recommendations would have come to the Congress. Congress would have kept itself in the loop. It would have been able to maintain oversight. And with each phase, each of the three phases, as it passed from the first, to the second, to the third, Congress would have benefited by its experience under the first, and then under the second, and there would have been an orderly phase-in, and with Congress, as I say, retaining its place in the loop.

But that amendment was opposed even by Mr. LIEBERMAN and, I believe, the majority leader. The majority leader I think voted against it. It was his right to do so. But Mr. LIEBERMAN, the author of the bill which had been reported out by his committee, voted against the amendment. So I thought it would have been an improvement to the bill and certainly would not have been in derogation of the committee in its work. But that amendment was rejected. And there you are. I tried. I failed to bring about that improvement. So that is another improvement that I think ought to still have been put into the bill that is before us.

So I have seen the handwriting on the wall. I know this bill will probably pass the Senate. Having said that, I believe that the amendment by Mr. DASCHLE and Mr. LIEBERMAN is important because it does make some needed improvements to the bill. The Senate has a duty to approve at least these minimal proposals, if I may say that about them—they are important improvements—before handing over this broad grant of power to the executive branch.

I urge Senators to vote for the Daschle-Lieberman amendment on tomorrow morning.

Mr. President, I yield the floor.

PROCUREMENT POLICY

Mr. DEWINE. Mr. President, the homeland security legislation we have been debating takes on many organizational and administrative challenges, but one challenge it does not cover fully is in the area of information technology. Specifically, I am talking about departmental policies and guidelines for purchasing computer software. No doubt, effective procurement policies will be essential not just to the sound administration of the Department, but also to the successful achievement of a number of important policies identified in this legislation, including most notably, the ability of law enforcement and intelligence agencies to share data and coordinate activities to respond to or prevent terror or criminal acts.

For those sharing and analyzing data electronically, the security of the software being utilized, such as database

and operating system software, is critical. These software technologies are referred to by those in the industry as "information assurance" technology. Information assurance technology is what is needed to assure information systems operate effectively, ensure the security of the information contained in these systems, and verify the identities of those authorized to use these systems. At its most fundamental level, information assurance software, for example, includes operating systems, database, and user authentication software.

It should not be a surprise to anyone here that agencies within the Federal Government that are responsible for our most sensitive information have to rely on information assurance technology. In fact, in January of 2000, the National Security Telecommunications and Information Systems Security Committee, an entity within the National Security Agency, proposed a policy that called on all Government agencies to purchase only those commercial-off-the-shelf, or COTS, software that had undergone an independent evaluation process that tests the security of the software. Toward that goal, the committee outlined a specific acquisition policy for those information systems critical to national security. This policy—the National Security Telecommunications and Information Systems Security Policy #11, or NSTISSP #11—states that Federal agencies with information systems involved in national security can only purchase commercial information assurance software that has been independently evaluated to be secure.

This sounds a bit technical, but if we take a step back and look at this proposed policy as consumers, it makes perfect sense. Today, many household items, like our dishwashers, televisions, stereos, and computers, have the now famous Underwriters Laboratory Label. This label provides consumers with the peace of mind that the products they are purchasing have met independent public safety tests.

Consumers have been purchasing products with the Underwriters Laboratory "seal of approval" for more than a century. However, businesses large and small, and local, State, and Federal Government agencies purchase computer software with no thought given to whether or not the software has met some outside measure of security assurance. That is an extremely risky proposition. Computer software is essential to our Nation's critical infrastructures, including our railroads, airports, pipelines, utilities, and financial services. At the Government level, information technology is critical to the administration of key Federal programs, our homeland defense, and most notably, our national security.

The costs of insecure, vulnerable information systems are real and sobering. Computer viruses, like Nimda and Code Red, penetrate, disrupt and disable information systems through se-

curity holes in software. Last year, according to industry estimates, these viruses inflicted \$13 billion in damages on our economy and even incapacitated systems within our own Defense Department.

Fortunately, information technology laboratories exist that perform functions similar to the Underwriters Laboratory. Many software companies have these independent labs evaluate their products to determine if they meet various levels of security assurance. For example, the international Common Criteria provides for security evaluations that are recognized in 15 countries, including the United States, Germany, Canada, and Great Britain. Thus, if a software product is certified under the Common Criteria, it is recognized among all participating countries. More to the point, this certification is designed to validate the security claims made by software companies, much like the Underwriters Laboratory validates the safety claims of appliance manufacturers. In his book, "Secrets and Lies" cybersecurity expert Bruce Schneier noted that the Common Criteria is a "giant step in the right direction."

NSTISSP #11 is the Federal Government's way of saying that for its most sensitive national security systems, it is not enough for information technology providers to say their products are secure. Now, software providers must have independent evaluations to back up their claims.

It is my understanding that the Defense Department is working to implement an information assurance acquisition policy based on NSTISSP #11. That is an important and positive step, one called for in the Defense authorization bill conference report.

The reason why I am bringing this issue to the attention of my colleagues today is because I believe it is an issue that deserves the attention of the new Department of Homeland Security. After all, if the tragic terrorist attacks of September 11 proved anything, it is that our most sensitive information systems in Federal information sharing and coordination of strategies will likely take place among those law enforcement agencies within and outside of the Homeland Security Department. Information sharing and analysis also is likely to occur between our law enforcement and intelligence agencies. All of this activity requires that the Department of Homeland Security to have strong information assurance strategies, including those involving the purchase of information assurance systems in the commercial market.

I see the distinguished chair of the Governmental Affairs Committee and manager of the legislation currently pending on the floor. I know this is an issue of great interest and concern to him, and I would now yield the floor to him for any comments he wishes to make.

Mr. LIEBERMAN. I thank the distinguished Senator from Ohio for yielding,

and I thank him for his comments, which are right on the mark. Information assurance will be critical to the new Department of Homeland Security, and independent evaluations can be useful tools to improve the security of information systems. In fact, information assurance is critical to the entire Federal Government and deserves to be a key component in any cybersecurity strategy. I look forward to seeing this framework for independent software evaluation evolve and improve through processes like the National Information Assurance Partnership and the Common Criteria.

Mr. DEWINE. I thank the distinguished chair of the Governmental Affairs Committee for his comments. I look forward to working with him and the new Department of Homeland Security to ensure that the Department's information assurance policies include the purchase of secure, stable information systems.

Mr. LIEBERMAN. I also thank the Senator from Ohio for his comments and look forward to working with him, as well.

UNACCOMPANIED CHILD PROTECTION ACT

Mrs. FEINSTEIN. Mr. President, I am disappointed that the bill before us does not contain in its entirety the Unaccompanied Child Protection Act, bipartisan legislation I introduced at the beginning of this Congress and that was included as Title XII of the Lieberman substitute to H.R. 5005.

I am pleased, however, that the measure contains one key component of that legislation: the transfer of authority over the care and custody of unaccompanied alien children to the Office of Refugee Resettlement within the Department of Health and Human Services.

This is key for two reasons: First, we do not want to burden the Secretary of Homeland Security with policy issues unrelated to the threat of terrorism. The Department will have a huge and important mission when this legislation is done and its attention should be focused on that mission.

Second, the federal government has a special responsibility to protect the children in its custody. For too long, the Immigration and Naturalization Service, INS, has not lived up to that responsibility. The children's provisions in this legislation is an important first step in correcting decades of questionable practices with regards to children that come under the agency's watch.

As I mentioned before, this is an important first step in providing protection for unaccompanied alien children. I ask my friend from Arizona, who is a senior member of the Judiciary Committee and part of the leadership on the other side of the aisle, if he would agree to work with me next year to further refine the important reforms relating to the treatment of unaccompanied alien children.

Mr. KYL. I thank my friend from California for her question. I know that

she has worked long and hard on these issues and that it is her work and her dedication that is responsible for the inclusion of the children's provisions in the homeland security bill.

I would further say to my friend from California that while additional reforms may be warranted, the legislation before us today was primarily a structural bill, not a policy bill. That fact prevented the consideration of some of the reforms she has championed from being included in this legislation.

I pledged to work with her in the 108th Congress to help fashion legislation that could address some of the issues that had to be left out of this measure.

Mrs. FEINSTEIN. I thank the Senator from Arizona. You may be interested to know that I first became involved in this issue when I heard about a young 15-year old Chinese girl who stood before a U.S. immigration court facing deportation proceedings. She had found her way to the United States as a stowaway in a container ship captured off of Guam, hoping to escape the repression she had experienced in her home country.

Although she had committed no crime, the INS sent her to a Portland jail, where she languished for seven months. When the INS brought her before an immigration judge, she stood before him confused, not understanding the proceedings against her. Tears streamed down her face, yet she could not wipe them away because her hands were handcuffed and chained to her waist.

While the young girl eventually received asylum in our country, she unnecessarily faced an ordeal no child should bear under our immigration system. This young Chinese girl represents only one of 5,000 foreign-born children who, without parents or legal guardians to protect them, are discovered in the United States each year in need of protection.

So you see, this issue calls for clearer policy direction from Congress. I thank my friend and look forward to working with him in the beginning of the 108th Congress.

Mr. COCHRAN. Mr. President, the reorganization of our homeland security efforts is necessary if we are to achieve a higher level of safety for American citizens.

The bill before us improves our security by combining into a single department the federal agencies and programs that today have a role in providing homeland security. Those organizations comprise some 170,000 people. Bringing them together under a single reorganized department will enable us to improve coordination of the Government's efforts to defend the United States against terrorist attacks.

By creating the cabinet-level position of Secretary of Homeland Security, the bill ensures there will be a leader of this effort, with the appropriate authority and responsibility to carry out that mission.

The creation of a Border and Transportation Security Directorate—bringing together the Immigration and Naturalization Service from the Justice Department, the U.S. Customs Service from the Treasury Department, and the newly created Transportation Security Administration—will make a single entity responsible for securing our border and transportation systems and preventing the entry of terrorists into our country.

The Coast Guard, which also plays an important role in securing our borders, will move from the Department of Transportation to the Department of Homeland Security. By maintaining the Coast Guard as an independent agency reporting directly to the Secretary of Homeland Security, this bill ensures the Coast Guard will have the resources and advocacy it needs to conduct its important security missions as well as its other missions, such as search-and-rescue and boating safety.

This legislation also creates a Directorate of Emergency Preparedness and Response, which will coordinate the federal government's response to terrorist attacks and major disasters. Combining all the Federal Government's emergency response efforts into a single entity will improve the Government's coordination with state and local entities in preparing for and responding to terrorist attacks.

The need for this reorganization is critical to our national security. Its scope is necessarily quite extensive. If this effort is to be effective, the President must have the flexibility to adapt the new department as needed to carry out its mission. This bill provides him the management flexibility he needs while protecting the rights of the Federal workers who will serve in the new department.

This bill represents to most extensive reorganization of the Federal Government in over 50 years. By taking resources from existing departments and agencies and placing them in a new organization, it has required a very difficult balancing of competing interests and views. The success of those efforts is a tribute to those who have worked so hard to bring this legislation about.

The President in particular deserves praise for bringing together a wide variety of interests and addressing a variety of concerns about the new department. Here in the Senate, Senator THOMPSON, the ranking member of the Governmental Affairs Committee and one of the sponsors of the compromise proposal before us now, deserves great credit for his efforts to ensure this legislation was both effective and fair. Senator LIEBERMAN, the chairman of the Governmental Affairs Committee, was one of the first to identify the need for this department and to call for its creation, and he should be commended for his efforts as well.

The bill before us is the beginning, not the end, of our efforts to adapt to the new threats we face. After the Department of Homeland Security is cre-

ated, we may find that other changes will be needed, but this legislation is a very important step to ensuring that our nation, our homeland, and our citizens, are protected to the fullest extent possible from the new and dangerous threats that confront us.

I support this effort and I urge all Senators to vote for it.

Let's get on with it.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AVIATION SECURITY IMPROVEMENT ACT

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 623, S. 2949.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2949) to provide for enhanced aviation security, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 2949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49.

(a) SHORT TITLE.—This Act may be cited as the "Aviation Security Improvement Act".

(b) AMENDMENT OF TITLE 49.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title; amendment of title 49.
- Sec. 2. Table of contents.

TITLE I—EXPLOSIVE DETECTION SYSTEMS

- Sec. 101. Explosive detection systems.

TITLE II—AIR CARGO SECURITY

- Sec. 201. Inspection of cargo carried aboard passenger aircraft.
- Sec. 202. Air cargo shipping.
- Sec. 203. Cargo carried aboard passenger aircraft.
- Sec. 204. Training program for cargo handlers.
- Sec. 205. Cargo carried aboard all-cargo aircraft.

- TITLE III—PASSENGER IDENTIFICATION
- Sec. 301. Passenger identification.