

money" now that deficits have returned—these are the same Republicans who voted for \$500 billion in additional deficit-blowing tax cuts in the House, and would have voted for just as much in the Senate if given the chance. This President, who claims to be fiscally responsible and urges us to watch how we spend, sent up a budget this year with nearly \$600 billion in new tax cuts for the well-off and increases in spending of 20 percent since he took office. And we are forced into a budget impasse over \$9 billion.

Let me be clear: When we increase the deficit and add to the debt to pay for new tax cuts or new spending, it is no longer "the people's money." It is our kids' money, and for that reason we should be far more responsible with our fiscal policy than we have been the last 2 years.

Congress has been abdicating its responsibilities by failing to do something about the economy before we leave. There are many good stimulus ideas out there—some of which are affordable, while others could be paid for by scaling back tax cuts scheduled for 2004 or 2006. But as things stand today, the Senate is unlikely to consider any real stimulus until after the State of the Union Address next year which means Congress won't act before February or March, which means that relief won't be in place before next summer. That is inexcusable. The American people shouldn't have to wait 8 months for us to act.

Simply put, to delay action on the budget when the difference is \$9 billion out of \$2 trillion, and when Republicans have voted for more than \$500 billion in additional tax cuts, is an insult. We can do better, and we must.

OMB PROPOSED REVISIONS TO A-76 REGULATIONS

Mr. AKAKA. Mr. President, I rise today to express my concern over the administration's proposed changes to the A-76 process, and its impact on the Federal workforce and accountability in contracting decisions. The OMB draft rules issued last week raise serious questions over the transparency of Federal procurement policies and their effect on Federal workers. True competition must be fair to Federal employees, be cost-effective, and promote financial transparency and public accountability.

The proposed regulations to A-76 do not represent fair competition. The regulations would place Federal workers at a severe disadvantage by implementing a competition process where Federal jobs may be eliminated at any time, even before a competition is completed. The process would place greater emphasis on a contractor's past performance but would fail to account for the past performance of in-house employees.

The OMB proposal could threaten cost-effective procurement policies. Under the draft rules, subjective no-

tions of "best value" would replace objective cost-savings in driving decisions for whether Federal work would be performed in-house or by the private sector. Government procurement should be based on sound analysis giving the greatest weight to cost savings. Decisions to contract out Federal jobs, which are based on projections and expectations of performance, risk squandering limited public resources on contractor promises to deliver more work than is needed, at a higher cost to the public.

We must ensure that any changes to A-76 are fair. The OMB proposal would require agencies to complete competitions within a 12-month timeframe. If a Federal agency was unable to finish a competition in this time, OMB could simply out-source Federal jobs to a contractor without competition. Moreover, the draft regulations would support the administration's arbitrary targets for contracting out Federal jobs, which I oppose because these targets artificially impose goals for contracting out. The proposal would also expand the types of Federal jobs that would be subject to public-private competitions, such as supervisory positions.

According to OMB's Office of Federal Procurement Policy, the majority of public-private competitions under the proposed rules would be based on the current lowest cost standard. There would be a pilot project to test the "best value" standard on information technology jobs. However, the use of the "best value" standard approach is controversial and subjective. I would hope that this would be limited to a genuine pilot project and would allow for a careful, objective review of the results.

There are important steps we can take now to improve financial transparency and accountability in Federal contracting while strengthening fairness in public-private competitions. In June of this year, I was pleased to work with Senator KENNEDY to improve financial transparency and cost-savings in contracting policies at the Department of Defense. Our amendment to the DoD authorization bill failed by only one vote. Our amendment would have required cost savings before decisions were made to contract out Government functions. It would have improved financial transparency by establishing measures for the true cost and size of the DoD contractor workforce. Our proposal would have promoted equity in public-private competitions by ensuring that Federal employees had the opportunity to compete for existing and new DoD work and that DoD competed an equitable number of contractor and civilian jobs.

As chairman of the Senate Government Affairs Federal Services Subcommittee and Armed Services Readiness Subcommittee, I look forward to ensuring that Federal contracting policies are conducted in a manner that achieves the best return on the dollar

and is fair to our Federal workforce. It is my intention to work with my colleagues in the 108th Congress to pursue these goals.

CREDIT CARD ARMIES—FIREARMS AND TRAINING FOR TERROR IN THE UNITED STATES

Mr. LEVIN. Mr. President, I want to bring the attention of my colleagues to a report released in October by the Violence Policy Center, VPC, entitled *Credit Card Armies—Firearms and Training for Terror in the United States*. This report analyzes the ease with which members of terrorist organizations and criminals gain access to powerful firearms and ammunition. According to the VPC report, terrorist groups with little more than a credit card and a driver's license, can easily obtain military grade firepower, including 50 caliber sniper rifles, assault weapons, and extraordinarily powerful ammunition.

In response to the terrorist attacks of September 11, 2001, the Federal Bureau of Investigation searched the National Instant Criminal Background Check System for information on individuals detained. However, according to a New York Times article, the Department of Justice ordered the FBI to stop using NICS records for investigating suspected terrorists even after the FBI found that at least two individuals detained in relation to the terrorist investigation had been cleared to buy firearms. Further evidence gathered by the Bureau of Alcohol, Tobacco, and Firearms and reported by the New York Times determined that 34 firearms used in crimes had at some point been purchased by an individual on the same list of people detained after 9/11.

The VPC report provides several examples of terrorist groups, from al-Qaida to the Irish Republican Army, using our loopholes in our gun laws to purchase 50 caliber sniper rifles and other military style firearms. We need to pass the Schumer-Kennedy Use NICS in Terrorist Investigations Act and also Senator REED's "Gun Show Background Check Act. These bills would assist law enforcement in identifying prohibited gun buyers and recognizing patterns of illegal purchases and misuse.

In January 2001, regulations issued by the Department of Justice directed the FBI to retain NICS information for a 90-day period. This 90-day period allows local law enforcement and the FBI to check NICS for illegal gun sales to criminals, terrorists and other prohibited buyers, identify purchasers using fake identification, and screen for gun dealers misusing the system. However, in June 2001, the Attorney General proposed reducing the length of time that law enforcement agencies can retain NICS data to 24 hours. This is simply an insufficient amount of time for law enforcement to review the NICS database.

The Attorney General's action concerns me greatly. I was pleased to cosponsor the Use NICS in Terrorist Investigations Act introduced by Senators KENNEDY and SCHUMER. This legislation would codify the 90-day period for law enforcement to retain and review NICS data. The need for this legislation was highlighted late last year when the Attorney General denied the Federal Bureau of Investigation access to the NICS database to review for gun sales to individuals they had detained in response to the September 11th terrorist attacks and refused to take a position on an amendment which would authorize that access.

Senator REED's Gun Show Background Check Act, which is supported by the International Association of Chiefs of Police, would extend the Brady Bill background check requirement to all sellers of firearms at gun shows. I cosponsored it because it is vital that we do all we can to prevent guns from getting into the hands of criminals and terrorists.

I urge my colleagues to consider these important pieces of gun safety legislation not only to protect our children from gun accidents and criminal use, but also to limit easy access to dangerous weapons by people who would seek to threaten our Nation's security.

TRIBUTE TO COMMANDER JEFFERY FREEMAN

Mr. COCHRAN. Mr. President, I am pleased to congratulate Commander Jeffery Freeman upon the completion of his career of service in the United States Navy. Throughout his 21 year military career, Commander Freeman served with distinction and dedication.

Continuing a family tradition of Naval Service since World War I, Jeff received his commission from the U.S. Naval Academy in 1981 and went on to earn his Naval Flight Officer Wings. Jeff served in four maritime patrol squadrons as a Patrol Plan Tactical Coordinator, Mission Commander, and ultimately as Officer-in-Charge, flying over 3,500 hours in the P-3 Orion aircraft, deploying to remote locations around world, and flying hundreds of hours tracking Soviet and other foreign submarines. Jeff served as a legislative fellow in my office, and he has served in the Navy Appropriations Liaison Office providing support to both the U.S. Senate and U.S. House of Representatives.

His family and his fellow shipmates can be proud of his distinguished service. Commander Freeman, his wife Annemarie of Biloxi, and their four children, have made many sacrifices during his Naval career, and we appreciate their contribution of conscientious service to our country. As he departs the Pentagon to start his second career, I call upon my colleagues to wish Jeff and his family every success, and the traditional Navy "fair winds and following seas."

VETERANS' BENEFITS ACT OF 2002, S. 2237

Mr. DAYTON. Mr. President, I rise today to applaud the Senate's action last night when it passed S. 2237, the Veterans' Benefits Act of 2002. This important legislation will make much-needed improvements to veterans' disability compensation payments, Medal of Honor pensions, housing benefits, claims adjudications, and education benefits through increased funding for State Approving Agencies. I strongly urge the President to sign this bill into law as quickly as possible.

I am pleased this bill also includes an important provision that will expand the civil protections provided to members of the National Guard under the Soldiers' and Sailors' Civil Relief Act of 1940. I worked closely on this provision with its sponsor, Senator Paul Wellstone. My late friend and colleague from the State of Minnesota was an outspoken advocate on behalf of America's veterans throughout his service in the Senate. The Wellstone-Dayton provision in this bill will better protect members of the National Guard in Minnesota and around the country. The provision specifies that National Guard members mobilized for more than 30 days by a state at the request of the Federal Government to respond to a national emergency be allowed protections under the Soldiers' and Sailors' Civil Relief Act during their duty.

The Soldiers' and Sailors' Civil Relief Act allows America's military personnel to have their legal rights secured until they can return from the military to defend themselves. It covers such issues as rental agreements, security deposits, prepaid rent, evictions, installment contracts, credit card interest rates, mortgage interest rates, mortgage foreclosures, civil judicial proceedings, and income tax payments. One of the most widely known benefits under the act, for example, is the ability to reduce consumer debt and mortgage interest rates to six percent under certain circumstances. The original Soldiers' and Sailors' Civil Relief Act was actually passed during World War I. The statute was reenacted during World War II, then later modified during Operation Desert Storm. However, until now the Act's coverage has not included the National Guard as comprehensively as their active duty and reservist counterparts. I believe this is wrong.

Following the terrorist attacks against the United States on September 11, 2001, members of the Minnesota National Guard were activated by our State at the request of the President to provide security at several major airports. As the duration of these activations grew to several months, I began to hear from these brave men and women about the stress and financial burdens that accompanied their service. Senator Wellstone and I were shocked to learn that, although the Soldiers' and Sailors' Civil Relief Act exists to ease many of these

same burdens for active-duty service members and reservists, members of the National Guard were not similarly covered for these types of activations, because this service was deemed to be State, rather than Federal, service. This discovery led to the Wellstone-Dayton provision.

Anyone who visited our Nation's airports after September 11 will not soon forget the contributions of countless members of the National Guard who, at the request of the President, contributed to a sense of greater security and peace of mind for air travelers by providing airport security. The men and women who provided these security efforts did so with courage and selflessness.

In light of September 11, it seems apparent that the National Guard has, and ought to have, a clear role in protecting Americans from outside threats. Further, when the President requests the men and women of the National Guard take on these new missions which help to protect Americans from terrorism, their civil interests should be protected under the Soldiers' and Sailors' Civil Relief Act. Accordingly, I am happy that this will be properly ensured with the Senate's passage of S. 2237 last night.

CRITICAL INFRASTRUCTURE INFORMATION SHARING

Mr. BENNETT. Mr. President, for several years, I have been actively working to protect our Nation's critical infrastructure and promote information sharing between the government and the private sector. From my experience with Y2K, I recognized that our Nation's critical infrastructure was vulnerable and that the private sector and the government needed to cooperate. Last year I introduced S. 1456, the Critical Infrastructure Information Security Act of 2001, which sought to bolster critical infrastructure security by fostering and encouraging critical infrastructure information sharing. Both the Senate Government Affairs Committee and the Senate Energy and Natural Resource Committee held hearings on this issue. Once legislation creating the Department of Homeland Security was introduced in the Senate, I worked to ensure that some of the protections found in S. 1456, specifically protection from public disclosure pursuant to the Freedom of Information Act (FOIA), were addressed and considered in the proposed legislation.

The need for congressional attention on this issue stems from the growth of new technology and the increased reliance on computer networks created new vulnerabilities. For the past two decades, once physically distinct operations, controls and procedures have been tightly integrated with information technology. Pipelines can be controlled remotely. A vulnerability in a telecommunication systems can impact the functioning of the Department of Defense and the financial services