EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 2002

Mr. SARBANES. Madam President, I rise in very strong support of the legislation to extend unemployment insurance benefits, the Emergency Unemployment Compensation Act, which Senator WELLSTONE and others have introduced. I am very pleased to have joined in cosponsoring this legislation.

I have a few points to make in the limited amount of time that has been allotted to me this morning. First of all, we have extended unemployment benefits in every previous recession. The concept behind extending benefits is that when the economy goes soft and people lose their jobs, in order to help support them, we extend unemployment benefits beyond the standard 26 weeks. Otherwise, benefits are limited to 26 weeks. Let me underscore we are talking about working people. One cannot draw unemployment insurance if one has not been working. So by definition, the people we are trying to help are people who were working and producing and helping to move our economy forward and, because of conditions beyond their control, find themselves out of a job. Therefore, they are out of income that is needed in order to support themselves and often their families.

Traditionally, we give benefits for 26 weeks and then we figure that people will find a job and go back to work. But when the economy goes soft, then we have a very difficult problem on our hands, which is there are not any jobs to go back to.

Most of the economic indicators now are trending downwards. We continue to face a serious economic problem, and the effort to extend the unemployment insurance benefits is a response to this pressing need. This need is felt by unemployed workers all across the country as they confront the problem of how will they take care of their families, and where will they find the income with which to make it from day to day.

Unemployment insurance pays only a small percentage of what people were previously earning. When a person is receiving unemployment insurance benefits their income takes a real hit. In any event, these benefits provide unemployed workers some support so that they are not completely cast out without any means of sustenance.

Unemployment insurance has been carefully devised to be a countercyclical measure against recession because it provides extra income at a time of economic downturn. Almost by definition this money will be spent since the formerly employed workers are receiving benefits that are far below what they were previously earning. Thus, these benefits will all go into the income stream. They will help to provide an impetus to the economy. Those who talk about how can we get the economy moving again, this is one way to do it.

Furthermore, there is a trust fund that is designed to take care of paying these unemployment benefits. Payments have been made into the trust fund in good times, such as when we experienced low unemployment rates over the last 7 or 8 years, and as a result of this we have well over $20 billion in that Federal trust fund. That money is in the trust fund because it was paid for the purpose of paying unemployment benefits when we confronted an economic downturn.

People ask: Where is the money going to come from? It is going to come from the trust fund. It ought to come from the trust fund. That is why the trust fund is there, and that is why the money has been paid into the trust fund—for the purpose of providing a safety net at the very time that we run up against the kind of economy we are witnessing today.

So the rationale for extending these unemployment benefits is overwhelming. It is consistent with past precedents. We have done it in every previous recession. It conforms to the structure of the system in the sense that we have paid into a trust fund to pay this money out. It will meet the pressing needs of formerly employed workers now confronting the very real problem of how they are going to support their family now that they have lost their income, and it will provide a boost to the economy because this money will be paid to formerly employed workers who will spend this money back into the economy, helping to boost this economy.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. SARBANES. I urge my colleagues to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, it is my understanding that I was allotted 5 minutes under the unanimous consent request.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Madam President, we are discussing unemployment insurance. A few of these charts really tell the story. If we take a look at the economic record over the last year and a half, we see some rather dramatic things have occurred. When President Bush took office in January 2001, 648,000 Americans were listed as ''long-term unemployed.'' That is more than just a temporary loss of a job. These are people who have been unemployed for more than 26 weeks.

By August of this year, that number had more than doubled to 1.4 million Americans facing long-term unemployment. In fact, if we compare the record of the Bush administration on private sector jobs, it is a dramatic indication of the failure of our economic policy.

This chart starts with President Eisenhower, goes through every single President, all the way to President George W. Bush. Without exception, every one of these Presidents saw an increase in private sector jobs during their administration. The largest increases came under President Johnson, then President Carter and President Clinton. There is only one President who has seen a decline in the number of private sector jobs in their administration, and that is the current President, George W. Bush.

So fewer jobs are being created, and there is higher unemployment. Traditionally, the Senate has not wasted any time in reacting. Take a look at what happened in the second worst record of the last 50 years—under President Bush's father—when they had a job increase of only four-tenths of 1 percent. When they faced high unemployment under President Bush's father, the Senate went to great lengths to pass extensions of unemployment benefits, realizing there were hundreds of thousands, perhaps millions, of Americans out of work. Look at how quickly Congress responded, not only once but five times, to increase and extend unemployment benefits.

Then look at the votes in the Senate. There is not a single vote with fewer than 66 Senators supporting it. In some cases, as many as 94 Senators supported it. So there has been strong bipartisan support.

I cannot understand this, but why is this administration resisting the effort of providing unemployment compensation to Americans who have lost their jobs? The President's economic policy has failed. It has created an economy which is sluggish. Take a look at the stock market on a day-to-day basis and tell me there is any indication of hope on the horizon.

This morning, I met with representatives of major businesses. I went around the table and asked: What do you think the future holds? And not a single one of them is optimistic beyond the range of a year or two from now. So more and more people will face unemployment.

Why, then, should unemployment insurance become this political football? The Democratic side is insisting we extend unemployment insurance, to make certain that people have some more money to live on in the hopes that they can find another job or at least keep their families together during some of the most perilous times.

In the State of Illinois, we announced an unemployment rate in the month of August that put us fifth in the Nation for the highest unemployment rate. We frankly have a situation now where across this country many people are losing their jobs and, frankly, have nowhere to turn. The August 2002 unemployment rate of 5.7 percent nationwide is more than 18 percent higher than it was the year before.

So under the Bush administration, the value of people's savings has declined because of the stock market crashing. We have seen people's pension plans decimated and their plans for their actual activity changed because they have had to decide to go back to work.

I heard a report recently where one investment counselor said: I never dreamed there would come a day when I had to call a retired person and say I am sorry, I have taken a look at your portfolio, and you are not going to make it. You have to go back to work. But this person said they had to do it. That is a reality. That is what is facing people.

So there is a rush on for these jobs and for a lot of people who have lost their pension savings. Now, there is a situation where people who are unemployed have nowhere to turn. They have run out of unemployment insurance benefits.

This morning, the minority whip, Senator NICKLES from Oklahoma, said the Senate Republicans would certainly consider unemployment insurance extensions.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. DURBIN. Madam President, I believe Senator KENNEDY was given 5 minutes, and I ask unanimous consent that I be given that time pending his return.

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

Mr. DURBIN. The point I am getting to is that this effort by Senator KENNEDY, Senator CLINTON, Senator WELLSTONE, myself, and Senator SMITH of Oregon is a really tradition that we have seen over and over again in the Senate and the Congress. When we are in a recession, the best thing that can be done to spark economic activity is to give some buying power to people who are out of work. We have done that repeatedly, no questions asked.

For some reason, the Bush administration, which has presided over this recession getting deeper, darker, and gloomier, does not want to do that. They do not want to provide the basic necessities of life for these people. I do not understand that. One would think the President would have stepped up as his father did three different times and say we are going to provide the resources for these people who, through no fault of their own, are out of work. Yet the Bush administration has not done it.

The situation gets worse. The Bush economic record shows in private sector jobs, we have lost more than 2 million jobs. We had 111.7 million private sector jobs when President George W. Bush took office. Today, we are down to 109.6 million. It is an indication of how serious it is. Unemployment has become a national phenomenon under this failed Bush economic record.

I mentioned earlier the situation with people and their savings and investments. This chart is a graphic presentation of something we all know. Look at the impact of President Bush's policies on worker retirement savings. Take an average person. Assume, for example, they had $100,000 in their 401(k) retirement plan as of the date President George W. Bush took office and they had it invested in the Standard & Poors 500—considered a pretty good barometer of business success in America. They would have lost 30 percent of the value of their retirement. People who were tied into it have seen their retirement savings go down. Many have been forced to go back to work. The stock market losses, $4.5 trillion, are an indication of lost stock market wealth since President Bush took office. I caution people who are following this debate, this chart was prepared last week. The numbers are worse today. We know what is going on.

We need to do something in this country. We focus on national security. We should. Shouldn't we spend time discussing economic security? Or some time addressing this dramatic loss of wealth and savings in America through no fault of the families who thought they were well invested in a strong economy? This economy has hit the skids under President Bush. His idea to hold a conference with close friends in Texas will not cut it. We need to do things to make a dramatic difference.

Ask economists the thing to do to put life back in the economy, and they say: Put buying power back in the hands of people who are unemployed. They will spend the money. They have to, for the necessities of life. Spending it, with the multiplier in our economy, creates jobs as a result.

This Senate, before it adjourns and goes home to campaign or relax or whatever individual Senators care to do, should face its responsibility. The responsibility faced earlier by President Bush's father should be faced by this President Bush as well, to extend the unemployment benefits.

This bill we are supporting, the Emergency Unemployment Compensation Act of 2002, ensures that the millions of workers exhausting their regular unemployment benefits will have a safety net on which they can rely. It ensures that over 800,000 workers benefitting from temporary extended benefits at the end of the year will not be faced with the abrupt expiration of that benefit on December 28. It ensures that over 863,000 workers who have already exhausted their temporary extended benefits and remain unemployed for over 39 weeks have a place to which to turn. It is basic. It is essential.

For goodness' sake, don't we owe it to the people of America to talk about the issues that hit them at home? Hit them in their pocketbooks? It is enough to talk about the Middle East and Iraq 23 hours a day, but can we spend an hour a day on the economy? I don't think it is unreasonable. If the President would suspend his conversations relative to campaigns for 1 hour a week to address the economy, it is something the American people believe is long overdue.

I hope my colleagues will support this extension of unemployment benefits.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Parliamentary inquiry: Are we on the homeland security bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. Madam President, I have sought recognition to urge my colleagues to work to resolve the outstanding differences on the labor-management issues because I believe the two sides are very close. I submit further that it is of vital importance that the Congress proceed to enact legislation on homeland security and the Senate move ahead to iron out the remaining differences, go to conference with the House, and then present a bill to the President for signature. It is imperative that all of the intelligence agencies be brought under one umbrella in an effort to avoid a repetition of 9/11.

My analysis shows me that had all of the dots been put together prior to 9/11, 9/11 might well have been avoided. I am not prepared to accept the Intelligence Committee's analysis that another terrorist attack will occur. I believe if we put all the dots together, we can prevent it.

Had we had the Phoenix FBI report, together with the information from Kuala Lumpur about two of the hijackers known to the CIA, not told to the FBI or INS, had we had the National Security Agency warning on September 10 that something was going to happen the next day, had the warrant under the Foreign Intelligence Surveillance Act been pursued as to Mr. Zacarias Moussaoui, there would have been a blueprint. But the system broke down because there was not one overall umbrella.

What we are faced with now, the differences in the two positions, involves the labor-management issues. Last Thursday, we had a discussion in the Senate where it was agreed that the provisions of the Nelson-Chafee-Breaux amendment did not supplant the provisions of title V which have a national security exemption but were in addition to the existing provisions of title V on collective bargaining. When you take a look at the language in the Nelson amendment, it is very close to the language of the existing law. The existing law refers to counterintelligence, investigative, or national security, and the Nelson amendment refers to counterintelligence or investigative work directly related to terrorism investigation.

It may be that the language of Nelson would have to be modified slightly so that instead of providing for a ''majority'' of such employees, it would be a ''significant number'' of such employees.

Then with respect to the issue of negotiability, the Gramm-Miller bill has six categories: Performance appraisal under chapter 43, classification under chapter 51, pay rates and systems under chapter 53, labor-management relations under chapter 71, adverse actions under chapter 75, and appeals under chapter 77.

The Nelson amendment would leave in four of those categories—performance appraisal, classification, pay rates and systems, and adverse actions—and would subject their implementation to review by the Federal Services Impasses Panel, seven appointees, all appointed by the President.

It seems to me we could borrow the language from chapter 71 under labor-management relations, under a national security waiver, and provide flexibility which the President is seeking in the event that there is a national security issue.

I believe it is very important we resolve this matter so we can move ahead with enactment of a homeland security bill. As I said last Thursday and repeated yesterday, I have not taken a position in favor either of the provisions of the Nelson amendment or of the provisions which are in the Gramm amendment.

But I believe we are so close together these differences can be reconciled.

I wonder if I might have the attention of the manager of the bill, the Senator from Connecticut. Will the Senator from Connecticut respond to a question?

I ask unanimous consent I may ask a question of the Senator from Connecticut without losing my right to the floor.

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

Mr. SPECTER. My question to the Senator from Connecticut is:

When you take the language of title V, chapter 71, which specifies the President may issue an order excluding any agency or subdivision thereof from coverage under this chapter if the President determines (a) the agency or subdivision has as a primary function intelligence, counterintelligence, investigative or national security work; and, (b) the provisions of this chapter cannot be applied to that agency or subdivision in a manner consistent with national security requirements or considerations;

And, add to that the language from the Nelson-Chafee-Breaux amendment which specifies that the President could not use his authority without showing that, (1) the mission and responsibilities of the agency or subdivision materially change; and, (2) a majority of such employees within such agency or subdivision have as their primary duty intelligence, counterintelligence or investigative work directly related to terrorism investigation.0

My question is, isn't it true the provisions of existing law and the additions made by the Nelson amendment are very close?

Mr. LIEBERMAN. Responding, Madam President, to the Senator from Pennsylvania, that is my understanding as well. The language with regard to the particular section cited by the Senator from Pennsylvania in the Nelson-Chafee-Breaux language is supplementary to what is in the statute, and essentially adds those two extra determinations the President makes to waive collective bargaining rights of Federal employees because of national security reasons, and the determination is totally that of the President.

Mr. SPECTER. Madam President, I direct another question to the Senator from Connecticut; that is, it has been reported to me the White House may be willing to accept the language of Nelson on the clause if a ''majority'' of such employees was modified to ''significant number'' of such employees. I ask the Senator from Connecticut if he thinks we might be able to make that minor modification if that would in fact close the area of disagreement on this issue.

Mr. LIEBERMAN. Madam President, responding to my friend from Pennsylvania, I think the question in the report of what the White House has really demonstrates how close we are to an agreement. I prefer the word ''majority;'' that is, to set some standard. Basically, this provision of Nelson-Chafee-Breaux gives some minimal due process protection for Federal workers in the future from a President who would arbitrarily apply this national security waiver to remove collective bargaining rights of Federal employees.

One of the elements of due process is to say for the determination to be made, a ''majority'' of the employees of the agency or office department would have to be involved and, speaking generally, national security. A ''significant'' number seems a little lower. I think we can probably find a word. It is a little too low, it seems to me, between those two words to grant both some comfort level for Federal employees without diminishing the authority of the President.

I say again these statements are some of the reasons the President will have to make his determination. But the President's determination, for all intents and purposes, is final. As we discussed last week, there is one reported case where an appeal was made of a determination by President Reagan. He just gave an order. He didn't make a determination. The circuit court even upheld that because the presumption in favor of the President when he invokes national security is so high.

But I welcome this colloquy with the Senator from Pennsylvania. I think somewhere, if the concern of the White House on this particular section is about the word ''majority,'' we can find another word which I hope can satisfy all concerned and still provide that minimal due process for Federal employees.

After this vote that is coming up, I hope we will continue to work. I fear cloture will not be invoked. I think the Senator from Pennsylvania, along with my colleague, the Senator from Tennessee, can play a critical role in getting us over this last obstacle which stands between us and adopting a bill we all say we agree on 95 percent of, except this major disagreement.

Mr. SPECTER. Madam President, I thank the Senator from Connecticut for that answer. The purpose of the question and the colloquy is to demonstrate how close we are; that when the Senator from Connecticut says he prefers language of a ''majority'' of such employees to a ''significant number'' of such employees, I can understand his preference. But what I especially liked about his answer was his determination which matches mine to find language which will find another word which will bridge the gap. When we talk about a 95 percent agreement, I think we are really much closer than that when you really strip down all the language.

If I might have the attention of the Senator from Connecticut again for another question, moving now to the issue of so-called flexibility where the Nelson amendment is willing to give the flexibility which the President sought under four of the six chapters, subject only to reference to the Federal Services Impasses Panel in the event of disagreement over implementation—again, noting that all seven of those appointees are designated by the President—the thought I believe might bridge the gap would be if as to five of these areas—performance appraisal, chapter 43; classification, chapter 51; pay raise systems, chapter 53; adverse actions, chapter 75; and appeals, chapter 77, excluding only labor-management relations under chapter 71, for which there already is a national security waiver—my question to the Senator from Connecticut is whether we might be able to bridge the gap by giving the President national security authority for waiver to devise the human resource management system in the event the President makes a determination national security requires it, borrowing the language from chapter 71 where the agency or subdivision has a primary function of intelligence, counterintelligence, investigative or national security work, and the human resources arrangements cannot be applied in a manner consistent with national security requirements and considerations so in effect we are borrowing the national security waiver provisions which apply as to collective bargaining for the other five categories where the President is seeking some flexibility.

Mr. LIEBERMAN. Madam President, responding through you to the Senator from Pennsylvania, I genuinely appreciate the thought and effort he is giving to this to try to find a way out of an impasse that is stopping us from

doing what we really have a responsibility to do, which is to create the Department of Homeland Security as soon as possible. And he has just offered, on the floor of the Senate, a new idea, at least one I had not heard before and I do not believe has been part of the negotiations.

I think we ought to try to sit down—involving, obviously, some of those who have been working on this compromise; Senators NELSON, CHAFEE, BREAUX, folks from the White House, Senator THOMPSON and I and yourself, I say to you, Senator SPECTER—as soon as we can to see whether this idea you have offered can be a breakthrough.

The fact is, on collective bargaining rules, as I have been saying throughout this debate, not on a national security premise for eliminating the right to be a member of a union, but throughout the statute there is a system that says that a President, a Secretary, an agency head, in time of national emergency, can do almost anything to override collective bargaining provisions because the national emergency, national security comes first.

In a way, you are suggesting a similar priority, hierarchy, for the civil service rules. It is an idea very much worth considering. I fear we are kind of on automatic pilot, with a cloture vote—the fifth one, if I count correctly—on which we are not going to invoke cloture. And the clock is running because we are heading, soon, towards a debate on an Iraq resolution, which would take the homeland security measure back to the calendar.

So I welcome your thoughtful initiative. I, for one, will be glad to spend any amount of time with you and the others I mentioned, and anyone else, to see if we can break this logjam, present some due process for Federal workers—which I know is your desire as well, I say to Senator SPECTER—but also preserve the executive authority, not just of this President but of the Presidency on into the future, particularly when national security is involved.

So I thank my colleague, and I hope we can go to work on this idea.

Mr. SPECTER. Madam President, I thank the Senator from Connecticut for that answer. When he focuses in on the national security requirements, I think he puts his finger on the nub of the issue: That if there is a national security interest here that would warrant the waiver on the collective bargaining matters, which are already set forth in existing law, the same rationale ought to apply to give the President greater authority under the other chapters where there really is a national security issue at stake.

I quite agree with the statement by the Senator from Connecticut that we have to move with speed because if we do not come to terms, this matter will be removed from the calendar in deference to the consideration of a resolution authorizing the use of force as to Iraq.

We all know there is a target date of this Friday, October 4, which has been delayed until next Friday, October 11; and that is the date by which we are likely to be out of session. So if we do not bridge this narrow gap now, and if we then go on to the resolution for the use of force, it is highly likely we will not conclude the legislation on homeland security before we recess. I think that would be a grave mistake.

The proponents of the Gramm-Miller amendment have asked for a vote on their amendment without any intervening second-degree amendments. And while I would be prepared to give the proponents of Gramm-Miller such a vote, the proponents of the Nelson amendment have a right, as a second-degree amendment, to proceed to have a vote on their second-degree amendment.

So while I supported the position and voted against cloture when the cloture motion was made on Gramm-Miller last week—and I did so in part to give an opportunity for compromise on this matter, but also in part to leave an opportunity for an amendment which this Senator intends to offer, which would bring all of the intelligence agencies under one umbrella—but it seems to me at this point that we ought to move ahead and invoke cloture on Gramm-Miller. That will then bring to a head the second-degree amendment offered by Senator NELSON. And then we would finally get down to some of the really tough negotiations to try to bridge the gap. There is nothing that promotes the negotiations like the imminence of a vote on a specific subject.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. May I inquire as to how much time we have left?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield?

Mr. SPECTER. I do, without losing my right to the floor, for a question.

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

Mr. THOMPSON. Madam President, let me withdraw that inquiry for the moment and say that it appears we are about out of time with regard to those who oppose cloture. The time has been running against us. And now it appears that the Senator from Pennsylvania supports cloture. I would suggest that the time should not run against those of us who oppose cloture. Should that time not be allocated differently?

Mr. SPECTER. Madam President, I think the Senator from Tennessee raises a very good point. I will yield the floor momentarily. But before doing so, if I might have the attention of the Senator from Tennessee. I will yield the floor after a question to the Senator from Tennessee.

The Senator from Connecticut and the Senator from Tennessee and I had been in the cloakroom discussing these matters, and we had discussed how close we are. As the Senator from Tennessee has noted, the Senator from Connecticut ventured the view that we were very close on the two labor-management issues, as to adding the language of Nelson to the existing law which retains the national security waiver, and then the suggestion of giving the President flexibility where the President makes a determination of national security.

I inquire of the Senator from Tennessee what his view is as to how close we are to resolving these two outstanding issues.

Mr. THOMPSON. Madam President, if I may respond.

Unfortunately, not as close as I think the Senator apparently thinks. With regard to the labor-management relations issue that was referred to initially by the Senator from Pennsylvania, and was the subject of the conversation, the dialog, a moment ago with the Senator from Connecticut with regard to the Presidential authority, the point was made that there is a disagreement with the wording of the portion of the amendment that refers to the ''majority of the employees.'' The suggestion was made it should be ''substantial number of employees.'' The Senator is correct that is a point, but it is only one point.

My understanding is we have submitted language to those on the other side of this issue that addresses, in addition to that, the concern that the President is limited to acting with regard to matters of terrorism only.

It is the last couple of lines of page 12, of the draft that I have anyway, where the current language says ''or investigative work directly related to terrorism investigation.''

The language that has been submitted by us is ''or preventing investigation or responding to terrorists or other serious threats to homeland security.'' In other words, why should this President be limited to exercising his authority to a more narrow range of activity—that would be terrorism—when there could be some other national security issues that prior Presidents have had the opportunity to deal with that this President would not? So the compromise was suggested to keep the focus on terrorism but also add other serious threats to homeland security.

As I understand it, that suggestion lies at this moment with the other side. We have not had a response to that. I wouldn't want those listening to think there is only a one-word difference between us with regard to that issue, as unfortunate as that may be.

Mr. SPECTER. Madam President, I thank the Senator from Tennessee for that response. He raises a good issue. I agree with him the earlier language which exists presently, categorizing national security generally and consistent with national security requirements and considerations, is the broader language. I do not think the additional language of terrorism seeks to limit that, but I think the Senator from Tennessee raises a good point that it ought to be clarified so the national security considerations are broader than just terrorism.

I direct the attention of the Senator from Tennessee to the second consideration; that is, whether a national security waiver or determination by the President of national security considerations would be sufficient on the issues of the flexibility on the other five chapters.

Mr. THOMPSON. Madam President, that is certainly worth considering, as Senator LIEBERMAN reflected a moment ago. Once you get down to it, the issue has to do with two situations, as I see it. One has to do with disputes involving collective bargaining agreements and what you do about that. There are issues as to matters somewhat minor, if not frivolous. Some matters have taken years to resolve—whether or not the annual company picnic was called off and things of that nature.

On the other hand, there are other issues that may be part of a collective bargaining agreement that might limit, for example, the authority to transfer someone to a border where that was needed.

Unless there is a national emergency situation, the President or the Secretary should not be limited to situations that have already become emergencies. They should be proactive and preventive. That is one category of issues.

I could see why we might have the status quo with regard to the run-of-the-mill kind of collective bargaining issues we have, limit the Secretary's flexibility even with regard to those matters, as long as with regard to the matters that really mattered, the President had such a waiver or a certain amount of discretion in that area.

The same thing could be said with regard to the second category of matters at issue; that is, matters concerning individual employees in terms of dismissal, discipline, things of that nature. It often takes up to 18 months to process—multilevel, multiappeal, multiavenue, multimonths, into years. The status quo with the national security waiver would be less likely to work in such a situation because I can't imagine a situation where the President would want to step in and intervene with regard to the disciplining of one particular employee.

There is a category, that first category I mentioned, of things where what the Senator suggests should be seriously considered.

The PRESIDING OFFICER (Mrs. CLINTON). Time allotted to the minority has expired.

The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, had my friend from Tennessee used his time?

The PRESIDING OFFICER. Yes.

Mr. THOMPSON. In a manner of speaking, I have now discovered that the Senator from Pennsylvania is on the other side of this issue.

Mr. LIEBERMAN. May I say to my friend from Tennessee, that was a surprise to me as well, a pleasant surprise in my case, one I appreciate.

Mr. THOMPSON. Madam President, I ask whether or not the Senator would entertain a unanimous consent request perhaps for however much time the Senator needs, 15 minutes, and perhaps 10 minutes additional time for me.

Mr. REID. Reserving the right to object, we have our party conferences starting at 12:30. We really have a lot to do today. If we do that, this vote will not be completed until nearly 1 o'clock. I would have to respectfully object.

The PRESIDING OFFICER. The Senator from Connecticut has 12 minutes 30 seconds remaining.

Mr. THOMPSON. Would the Senator from Connecticut give me a couple of minutes of his time?

Mr. REID. Madam President, I ask unanimous consent that the Senator from Tennessee have 3 minutes on his own time.

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

Mrs. FEINSTEIN. Mr. President, I rise to express my deep disappointment in the language in the Gramm substitute related to unaccompanied alien children. As a result, I stand in support of Title XII of the Lieberman substitute, which contains provisions based on S. 121, bipartisan legislation I introduced in Jan. 2001.

My disappointment is best understood with the following example. Not long ago, the Nation's attention was focused on the plight of Elian Gonzalez and whether he should be allowed to stay in the U.S. or return to Cuba.

At the same time, a young 15-year old Chinese girl 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 Guam, hoping to escape the repression she had experienced in her home country.

And 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.

When discovered by Federal authorities, these children are not always greeted with the special care and attention they deserve. Nearly 2,000 of them served time in juvenile jails, even though most had committed no crime. One child was even detained for 5 years. Many are handcuffed and placed in cells with other juveniles who have committed serious violent crimes.

Because of their age and inexperience, children may not be able to articulate their fears or testify to their needs with the same degree of accuracy as adults. Yet despite these facts, no Federal laws and policies have been developed and implemented, thus far, to protect them.

While not all children will merit asylum, providing them appointed counsel would help the INS and the courts understand the special circumstances of the child's arrival in the United States, while at the same time help the child to understand the process he or she is undergoing.

In my mind this goes a long way in explaining my opposition to the Gramm substitute as it relates to unaccompanied alien children and why the Lieberman substitute is much stronger in this regard.

Both pieces of legislation sought comprehensive reform in the way in which these vulnerable children are treated while under the watch of immigration authorities.

The Gramm substitute, however, would strip many of the important reforms relating to unaccompanied alien children from the homeland security bill.

Moreover, the provisions with respect to these children included in the Gramm substitute are nothing more than a legislative sleight of hand that appears to make reforms, but in reality would render those provisions meaningless.

Clearly, most unaccompanied alien children do not pose a threat to our national security, and must be treated with all the care and decency they deserve outside the reach of this new Department.

More specifically, the unaccompanied child protection provisions now contained in Title XII of the Lieberman substitute would make critical reforms to the manner in which unaccompanied alien children are treated under our immigration system.

These provisions would also: preserve the functions of apprehending and adjudicating immigration claims of such children, and, when the situation warrants, of repatriating a child to his home country, within the Immigration Affairs Agency, and under the larger umbrella of homeland security.

The unaccompanied alien child protection provisions would transfer the care and custody of these children to the Department of Health and Human Services. Its Office of Refugee Resettlement has real expertise in dealing with both child welfare and immigration issues.

At the same time, these provisions would establish minimum standards for the care of unaccompanied alien children; provide mechanisms to ensure that unaccompanied alien children have access to counsel; permit the Director of the Office of Refugee Resettlement to appoint guardian ad litem,

if necessary, to look after the children's interests; and provide safeguards to ensure that children engaged in criminal behavior remain under the control of immigration enforcement authorities at all times.

Roughly 5,000 foreign-born children under the age of 18 enter the United States each year unaccompanied by parents or other legal guardians. Some have fled political persecution, war, famine, abusive families, or other life-threatening conditions in their home countries.

They often have a harder time than adults in expressing their fears or testifying in court, especially if they lack English language proficiency.

Unbelievably, some of these children are subjected to such punitive actions as shackling, the use of leg manacles, and strip searches while in INS custody. Others are housed with violent juvenile offenders, or subjected to solitary confinement.

Despite these horrific circumstances, the Federal response has fallen short in providing for their protection.

Unaccompanied minors are among the most vulnerable of the world's asylum seekers, and they deserve our support and protection.

And yet, no immigration laws or policies currently exist that effectively meet the needs of these children. Instead, children are being forced to struggle through a complex system that was designed for adults.

It is important that we address this issue in this present legislation for a number of reasons.

First of all, as we contemplate transferring the functions of the Immigration and Naturalization Service (INS) into the proposed new Department of Homeland Security, we must ensure that the new Department is not burdened with functions that do not relate to its core mission.

For decades now, the INS has failed in its responsibility to care for these vulnerable children. As we transfer and reshape the INS in this legislation, it is imperative to relieve the agency of its responsibility of the care and custody of unaccompanied children.

Doing so would accomplish two ends: one, it would permit the INS to focus its energies, efforts, and attention on its core missions; and two, it would transfer the care and custody of the these children to the Office of Refugee Resettlement, ORR, an office that is better suited and much more experienced in handling the complexities of the children's situations.

As we turn over these responsibilities to a different agency, Congress must clearly define its expectations of the agency regarding the standards of care for these children.

It would be irresponsible for us to do anything less.

Quite frankly, it confounds me that, after more than a century since the first federal immigration law was enacted, our immigration system is still incapable of meeting the special needs of these children, whether those needs are medical, psychological, or legal.

This is why, in an effort to change current U.S. policy toward the treatment of unaccompanied foreign-born children, I introduced the ''Unaccompanied Alien Child Protection Act'', S. 121.

The overall purpose of this legislation is to refocus our policy away from treating these children like criminals, and to move toward a system that protects and serves their best interests.

Sometimes, this means safely returning them to a parent or guardian in their home country.

In other, more extraordinary cases, a child's best interest may involve a grant of asylum.

As introduced, S. 121 was a reasonable, moderate, bipartisan bill with the main purpose of reforming the care of unaccompanied alien children who come to the attention of Federal authorities.

As reasonable as it was, my staff and I conducted numerous meetings and phone calls with the Department of Justice and the INS, to further refine the bill's provisions.

Last February, the Judiciary Subcommittee in Immigration held a hearing on the legislation.

I listened to all of the ideas that they expressed, and I addressed almost all of them in the modifications that were made in the version of the legislation now included in Title XII of the Lieberman substitute.

Still, after all this compromise, the administration did not bother to even mention Title XII in its statement of administration policy of this legislation.

Given the moderate nature of Title XII, and given the fact that so many Republicans are cosponsors of it, I urge the Senate to maintain the provisions I have outlined today, rather than accept the evisceration of the bill's core protections that would result under the Gramm substitute.

If it becomes necessary, in the coming days I intend to offer an amendment to restore these important provisions to the homeland security bill.

And I will call on my colleagues to support that amendment.

Mr. AKAKA. Mr. President, today I rise once again to point out problems with the amendment offered by Senators GRAMM and MILLER which would take away the rights of Federal workers. Last week I spoke of the need to provide full whistleblower protection to employees in the new Department of Homeland Security, and how the Gramm-Miller amendment fails to provide such protection despite claims to the contrary. While the substantive rights are maintained for whistleblowers, the methods to enforce such rights are not part of the amendment.

And despite claims made by the Senator from Tennessee, Senator THOMPSON, yesterday that veterans' preference would be protected, the Gramm-Miller amendment fails to fully protect veterans in the new Department.

It appears that my colleagues believe that by maintaining the merit system principles, the new Department will protect our Federal employees from retaliation for blowing the whistle and from violations of veterans' preference requirements. However, simply following the merit principles will not fully protect the Federal workers who protect our Nation from terrorist attacks. We must provide a neutral third-party method to enforce such rights.

The Gramm-Miller amendment fails to do this.

Currently, Federal employees, who believe that they have been denied a position or have been subject to a designer Reduction-In-Force, RIF, action in violation of veterans' preference requirements, can challenge such wrongful actions through the Merit Systems Protection Board or through a union grievance procedure. Whistleblowers who allege that they have been subject to a prohibited personnel practice may go through the Office of Special Counsel and to the MSPB for corrective action. In addition, whistleblowers can bring allegations of retaliation through the union grievance procedure. The Gramm-Miller substitute amendment would block both routes for redress.

Under Gramm-Miller, the Department of Homeland Security could waive any and all due process appeals to the Merit Systems Protection Board. Instead, the due process procedures in current law would be replaced with an internal department appeals process. By allowing the agency, rather than an independent third party, to determine whether the agency violated veterans' preference or other employee protection laws, we will have removed the impartiality of the process.

However, under the Lieberman substitute, as well as the Nelson-Chafee-Breaux amendment, veterans' rights are not compromised. The appeals to the MSPB under 5 U.S.C. Chapter 77 may not be waived.

In addition, Chapter 71 of Title 5 which relates to Labor-Management Relations, may not be waived. This allows veterans and whistleblowers who are in collective bargaining units to exercise their right to use a negotiated grievance process to challenge violations of veterans' preference requirements or the Whistleblower Protection Act. Under the Gramm-Miller substitute, the new Department could waive the labor-management statutory requirements in Title 5. As such, grievance rights and union representation could quickly disappear.

Quite simply, under the Gramm-Miller substitute, veterans may still have veterans' preference rights, but they will have no way to seek redress for any violation of those rights. We have a proud history of protecting the rights of veterans and federal workers who protect this country. Whether they are whistleblowers or veterans, these Federal employees serve their Nation well. We need to support those who are willing to serve their Government.

Mrs. FEINSTEIN. Mr. President, I rise to reaffirm my overall support for a Department of Homeland Security. And I remain convinced that it is still possible to reach a consensus on this critical issue, and that we must strive to do so before the end of this session.

However, after giving this matter a great deal of thought, I must stand in opposition to the provisions in the Gramm-Miller bill that would strip many of the protections afforded to employees of the new Department.

As it stands, the bill's language would take away rights from some 200,000 Federal employees, rights that have been available for decades to most of the Federal workforce.

None of us dispute that any organization, particularly one entrusted with such a vital mission as homeland security, can function properly only if its managers have the authority both to offer incentives to talented employees and to fire negligent or ineffective employees.

And despite a great deal of rhetoric to the contrary, such flexibility already exists under the current labor provisions that govern the Federal workforce.

This flexibility was granted under the terms of the Civil Service Reform Act of 1978, allowing managers to: performance standards, and have the power to fire employees for performance failures as long as there is at least some plausible evidence.

In light of these facts, it is downright wrong to suggest that the Government cannot fire employees who, say, are drunk on the job or who commit crimes.

In fact, under current law, managers can remove such employees from their jobs immediately, while the employees' appeal can be settled definitively within 30 days.

Under current law, managers also have wide latitude in transferring, suspending, and reassigning employees, as well as in appointing candidates from outside the federal government to fill open positions.

On both sides of the aisle, there is virtual unanimity that any homeland security legislation must include a package of additional flexibilities regarding hiring, training, separation, and retirement. These additional flexibilities are in the Lieberman substitute.

And yet, the President has threatened to veto the Lieberman substitute, unless the Senate agrees to the labor provisions of the Gramm-Miller substitute.

Apparently, the President is willing to scrap crucial legislation to protect our country from terrorism if he is not given open-ended authority to abolish or limit federal employee rights and protections.

In my view, this threat is unnecessary, unwarranted, and highly unproductive.

And now the President has rejected a perfectly sound bipartisan compromise proposed by Senators NELSON, BREAUX, and CHAFEE. This compromise, which I support, provides what he wants, management flexibility authority, and what the Federal Government requires, safeguards to ensure that he cannot abuse that power.

This amendment provides the President broad leeway to change the civil service rules governing hiring, promotions, dismissals, performance appraisals, classifications, and pay rates for Homeland Security Department employees.

At the same time, Federal employee unions could object. If the two sides could not agree on the changes, then the Federal Services Impasses Panel, a board of seven presidential appointees, would arbitrate.

This amendment allows the President to revoke an employee's rights to collectively bargain and to form unions, if that employee's duties materially change and these duties directly relate to intelligence, counter-intelligence, or investigations relating to terrorism.

In threatening to veto this compromise, the administration has tried to frame the debate in terms of national security.

For instance, the President's spokesman recently said that the compromise bill would prevent the president ''from making decisions based on national security, no matter how urgent a crisis we find ourselves in.''

I find it disturbing that the administration has suggested that putting any restriction on the President's authority to limit or abolish federal employee rights and protections somehow jeopardizes our national security.

The way I see it, the administration is getting it exactly backwards.

The administration's attempt to give the executive branch total authority to rewrite the civil service system without consulting anyone would not help protect our country. Indeed, it would leave it more vulnerable.

At a time of such massive restructuring of the federal government, it is absolutely critical that we maintain as much continuity as possible.

Yet the Gramm-Miller substitute's open-ended language would allow the President to eliminate, by fiat, many important workers' rights.

This would be a huge blow to the morale and productivity of many thousands of Federal employees, and would risk the loss of many highly qualified individuals to the private sector.

There is also a large percentage of workers who, if push comes to shove, can option for early retirement. This is no time for the federal government to suffer a so-called ''brain drain,'' and be forced to train novices from scratch.

In the middle of our war on terrorism, the last thing we want to do is lose experienced employees on the front lines of this war.

We are talking about employees at the Coast Guard, the Department of Defense, the Federal Emergency Management Administration, the Border Patrol, the Federal Aviation Authority, and other agencies.

We are talking about men and women who are working around the clock to prevent another terrorist attack and to protect our citizens.

I for one do not see any inherent clash between collective bargaining rights and homeland security.

For example, Department of Defense civilians with top secret clearances are long-standing union members whose membership has not compromised our national security.

And many of the heroes of September 11 were unionized. The New York City firefighters who ran up the Twin Towers did not see any conflict between worker rights and emergency response.

And let's not forget that Federal employees do not have the right to strike.

Why haven't supporters of the President's proposal not been able to identify one instance of a labor dispute which contributed to a breakdown in our national security?

I have heard from many Federal employees in California who would be affected by this legislation. I would like to share with you the words of just one.

Joseph Dassaro is a Senior Border Patrol Agent assigned to the San Diego Sector of our southern border. He has been an agent for ten years, and is President of the San Diego Chapter of the National Border Patrol Council. In his words: ''The loss of collective bargaining rights and civil service protections would force me to leave the Border Patrol. Simply put, without the union and the Civil Service Reform Act . . .''

''I have no faith in the ability of the agency, or any subsequently created agency, to provide working conditions in which I can operate in the best interests of this nation. Additionally, based on the vast input I have received from the many agents I represent, I can assure you that [if the President's proposal is enacted], Border Patrol attrition rates would more than double . . .

''At record levels, agents are applying for local police positions in Southern California. Recently, the San Diego County Sheriffs [Department] interviewed over twelve agents from one Border Patrol station. Not only do these agencies offer better pay, incentives, and working conditions, they also offer an environment which rewards merit and seniority.''

Mr. Dassaro, along with the hundreds of thousands of other Federal employees, has been working day in and day out to keep our country secure.

I do not know why the administration wants to take fundamental rights and protections away from these patriotic Americans. We should not be attacking job security under the guise of national security.

This debate on homeland security should not be an exercise in scoring political points at the expense of labor protections for Federal employees, protections that are already in place at

virtually every other Federal agency and which have functioned smoothly for many years.

Which is why I ask my colleagues to vote against the anti-union provisions in Gramm-Miller, while urging the Bush Administration to reconsider the compromise offered by Senators NELSON, BREAUX and CHAFEE.

Mr. KENNEDY. Mr. President, we know that our Nation faces a very serious threat of terrorism. To protect our national security in today's world, we need an immigration system that can carefully screen foreign nationals seeking to enter the United States and that can protect our Nation's borders. We need a system that can make effective use of intelligence information and identify those who seek to harm us.

Unfortunately, our current Immigration and Naturalization Service is not up to these challenges. For years, INS has been plagued with problems, from mission, overload to mismanagement to inadequate resources. As a result, INS has been unable to meet its dual responsibility to enforce our immigration laws and to provide services to immigrants, refugees, and aspiring citizens.

The immigration reforms in the Lieberman substitute amendment are carefully designed to correct these problems and bring our immigration system into the 21st century. The amendment untangles the overlapping and often confusing structure of the INS and replaces it with two clear lines of command, one for enforcement and the other for services. It also includes a strong chief executive officer, the Under Secretary for Immigration Affairs, who, under the direction of the Secretary of Homeland Defense, will act as a central authority to ensure a uniform immigration policy and provide effective coordination between the service and the enforcement functions. Developed on a bipartisan basis, in consultation with respected experts, the immigration reforms in the Lieberman substitute emphasize clear direction, close coordination, and genuine accountability to the American people.

On these key issues, the Gramm-Miller substitute moves in exactly the wrong direction. Rather than establishing a single, accountable director for immigration policy, Gramm-Miller establishes three: the Under Secretary for Border and Transportation Security, the Under Secretary for Immigration Affairs, and the Chief of Immigration Policy within the Deputy Secretary's office. Little coordination is provided among these three positions. These officials will have authority to issue conflicting policies and conflicting interpretations of law. The result for the Nation's immigration system is likely to be a new period of disarray, not real reform.

Given the vast responsibilities of our immigration agency, the large number of people who cross our borders, and the major national-security concerns that have arisen since September 11, we will do the country a great disservice if we enact a so-called ''reform'' that makes the chronic problems of the INS even worse. We deserve a well-thought-out, effective reform, like that included in the Lieberman substitute, not the proposal offered by Gramm-Miller.

We need a separate and comprehensive directorate within which we can balance border security, provision of services, and efficient and fair enforcement of the immigration laws. Within this separate directorate, it is essential to include both the service and the enforcement components of immigration policy. Nearly every immigration-related action involves both enforcement and service components. Coordination between the two is critical to ensure that the laws are interpreted and implemented consistently. Coordination cannot be achieved merely by sharing a database or having a common management structure far up the ladder. Coordination will not be achieved if enforcement and services are housed in different departments.

That, however, is exactly what the Gramm-Miller proposal does. The two most critical enforcement functions, border patrol and inspections, will be taken from other immigration functions and placed in the Border and Transportation Protection Directorate. The formulation of immigration policy, our only chance to achieve coordination between these dispersed functions, will be subject to the conflicting views of various officials spread out in the new Department. With its dispersed immigration functions and failure to provide centralized coordination, Gramm-Miller is a recipe for failure.

Consider this example. An executive for a large international corporation arrives in the United States with a business visa that expires in 30 days. The inspector is reluctant to admit the executive, since his visa will soon expire. The executive states that his attorney has filed for a renewal of the visa. Under Gramm-Miller, with its failure to provide coordination between the service and enforcement functions, the inspector will not be able to verify that a renewal application has been filed, and the executive will be denied admission. Such a mistake, repeated many times each year, will be disruptive to our economy.

Or consider an asylum seeker picked up by a border patrol agent. He claims that he will face persecution if returned to his home country. His brother enters the U.S. with a visa and is granted asylum, a service bureau function. Without effective coordination between services and enforcement, the brother processed by the service bureau will be allowed to stay and become a permanent resident, while the brother picked up by the border patrol may be returned to face persecution or even death. These are mistakes that we cannot tolerate.

We need a reform that ensures uniform policies and consistent interpretations of the law. We know from painful experience that inconsistencies in interpretation and enforcement, with no one in charge to resolve differences, can lead to unacceptable results. We need an immigration system that works. The Lieberman substitute will give us that system. The Gramm-Miller substitute will repeat—and increase—the mistakes of our past.

The Lieberman substitute also deals with another serious flaw in our current immigration system—the care and custody of unaccompanied alien children. Senator FEINSTEIN has been working on this issue for many years, and her bipartisan legislation is included in our reforms. It addresses the needs of children arriving alone in the United States. Often, these children have fled from armed conflict and abuses of human rights. They are traumatized and desperately need protection. As children, they deserve special care and protection.

Jurisdiction over their care and custody does not belong in a department dedicated to preventing security threats. Our plan transfers responsibility for these children to the Office of Refugee Resettlement in the Department of Health and Human Services, an office that has decades of experience working with foreign-born children and is well-equipped to place these children in appropriate facilities where they will receive the care and attention they deserve.

We also provide safeguards to ensure that children have the assistance of counsel and guardians in the course of their proceedings. Currently, over half of the children in immigration proceedings are unrepresented by counsel. Children as young as 18-months-old have appeared in immigration court without a lawyer. These children simply cannot be expected to effectively represent themselves when faced with the complexities of U.S. immigration law.

The Gramm-Miller substitute provides plainly inadequate protections for these vulnerable children. Although care and custody is transferred to the Office of Refugee Resettlement, this substitute leaves out the counsel and guardian provisions.

The fear that providing government-funded counsel for children will set a precedent for the provision of counsel for other populations in immigration proceedings is unfounded. Our plan contains a very narrow exception for vulnerable children, and only Congress can extend that exception to other groups.

Guardians are crucial in order to ensure that the best interests of children are addressed throughout their immigration proceedings. Guardians would ensure that the child understands the nature of the proceedings. Immigration proceedings are the only legal proceedings in the United States in which children are not provided the assistance of a guardian or court-appointed special advocate.

Finally, the Lieberman substitute remedies decades-old problems with our immigration court system. That system—called the Executive Office for Immigration Review—is part of the Department of Justice. Every day, immigration courts make life-altering decisions. The interests at stake are significant, especially for persons facing persecution and for long-time permanent residents, who face permanent separation from family members.

Despite these major responsibilities, the immigration court system exists by regulation only. As such, it can be moved, dissolved, or reconfigured at any time, without Congressional involvement. For years, immigration judges have been criticized because they are too closely aligned with immigration enforcers. Their impartiality is jeopardized when both judge and prosecutor are too closely linked. These criticisms will only intensify if the immigration courts are relocated to the new security agency.

We need an immigration court system that provides individuals with a fair hearing before an impartial and independent tribunal, and meaningful appellate review. The Lieberman substitute maintains the immigration court system at the Justice Department, so that immigration judges and immigration enforcers are effectively separated. It also codifies the existing court structure and its components, making it a permanent part of our immigration system.

The Gramm-Miller substitute would seriously undermine the role of immigration judges. It vests the Attorney General with all-encompassing authority, depriving immigration judges of their ability to exercise independent judgement. Even more disturbing, the Gramm-Miller proposal could curtail the right to appeal adverse decisions, since the Attorney General will have the authority to change or even eliminate appellate review. This result is a recipe for mistakes and abuse. An independent judicial system is essential to our system of checks and balances. Immigrants who face the severest of consequences deserve their day in court.

In reforming our immigration system, we must isolate terrorists without isolating America. We must protect our Nation, and we must also protect immigrants. In strengthening our defenses against terrorism, we must settle for nothing less. Americans are united in our commitment to win the war on terrorism and protect the country from future attack. An essential part of meeting this challenge is protecting the ideals that America stands for here at home and around the world.

The Lieberman substitute acts on this principle by providing basic civil rights and privacy safeguards in the new Department of Homeland Security. A civil rights officer will oversee civil rights issues and advise the Secretary on policy matters. A privacy officer will perform similar functions on privacy issues. An official in the Inspector General's office will investigate civil rights abuses.

We have heard no complaint from either the administration or our Republican colleagues about these civil rights provisions. The administration's detailed Statement of Policy on September 3rd did not contain a single objection to them. Nevertheless, all of these provisions have been removed from the Gramm-Miller substitute.

Today, many Americans are concerned about the preservation of basic liberties protected by the Constitution. There continues to be a debate over the constitutionality and wisdom of some of the administration's polices and actions since September 11. Clearly, as we work together to bring terrorists to justice and enhance our security, we must also act to preserve and protect our Constitution.

The civil rights provisions in the Lieberman substitute are limited in scope, but will be essential to the proper role of the new Department of Homeland Security. They should be included in whatever bill the Senate ultimately passes, and I urge the Senate to accept them.

Earlier this week, our committee held a hearing on the grave public health challenge of West Nile fever. We heard how vital it is for CDC, NIH and FDA to work together closely to respond to this deadly epidemic. The same health agencies that are responding to West Nile today may need to respond to a biological attack tomorrow. The last thing we should do is disrupt the close coordination among our health agencies that will be needed for an effective response to such an attack. Yet this is exactly what the Gramm-Miller amendment would do by transferring responsibilities for bioterrorism research and response to the new Department of Homeland Security. While claiming to enhance our preparedness for bioterrorism, the amendment would actually diminish it by needlessly splitting responsibilities for bioterrorism between HHS and the new Department.

We heard from Dr. Tony Fauci, the Nation's leading expert on infectious disease, that NIH is working swiftly to develop a new vaccine against the West Nile virus. Dr. Fauci and the other medical leaders at NIH should retain the responsibility for developing new vaccines for anthrax, Ebola and other biological weapons. These responsibilities should not be transferred to a new department with unproven scientific expertise. Certainly, the new Department should set broad priorities for our homeland security research program, but the funding and the scientific responsibility for carrying out that research should remain with NIH.

Sadly, the Gramm-Miller amendment also includes fails to include protections for the ethical treatment of human subjects in research. America has a tragic history of ethical abuses in national security research. In our Senate inquiries during the 1970s, we learned how the CIA had given LSD and other dangerous drugs to experimental subjects without their knowledge or their consent. These shameful experiments led to the death by suicide of an agent in New York.

We must not let history repeat itself in the research carried out by this new Department. Basic protections for human subjects cover research conducted by all other Federal agencies. They should also apply to the new Department. These protections should not be discretionary. They should be a required element of every research project that the new Department conducts.

I also want to speak today about America's workers. We live in a nation forever changed by the tragic events of September 11. The dreadful images seared into our memories on that fateful day were grim proof to every American that we are vulnerable to grave new threats. We must take the necessary steps to protect America from these new dangers. We must act wisely as we create a new Department of Homeland Security. We must ensure that our actions truly enhance, rather than diminish, our Nation's security. And we must meet our security needs in ways that reflect the values that make America the envy of the world.

As we debate the formation of this new agency, we should remember the events of September 11 and the heroism of our Nation's union workers in the cause of homeland security. Union members risked and lost their lives and saved countless others through their actions on September 11. We will never forget the example that firefighters, construction workers and many government workers set that day.

Union workers have also shown great bravery and extraordinary sacrifice in the service of homeland security since September 11. The postal workers and the hospital worker killed as a result of bioterrorism were all union members. The brave flight attendant, whom the President recognized in the State of the Union Address for preventing terrorism, is a member of a union.

The dedication and resolve of these union members truly represents the best of America. Over 43,000 of the Federal workers affected by the proposed Government reorganization are currently union members. These are the workers who risk their lives each day to protect our Nation's borders. They are the workers from the Federal Emergency Management Authority who coordinated the Federal emergency response on September 11. These workers are out every day on the high seas to rescue those in need and to prevent dangerous cargo from reaching our shores. They are also the workers dedicated to making our Nation safer from the threat of bioterrorism.

Among the ranks of unionized Federal workers are true heroes who have served their Nation with distinction in battle and are now contributing to our Nation as civilian employees and as active members of their community. I am

talking about Federal workers like Robert J. Patterson, who was awarded the Purple Heart medal and the Bronze Star and many other honors for his service in Vietnam. He was ambushed and shot in the legs, the stomach and the shoulder while on patrol in Vietnam, but he still managed to call for backup and save the lives of many other members of his squad. For nearly 20 years now, Mr. Patterson has worked as a civilian employee for the Federal Government, and he now serves as Vice Commander of his local VFW post and is active with the Boy Scouts and as a mentor for troubled youth.

Dedicated Federal workers like Mr. Patterson take pride in their work, love their country, and have served it with distinction for decades. Nearly half a million Federal workers are veterans of our Nation's armed services. Veterans are represented at twice the rate in the Federal workforce as in the private sector. Disabled veterans, those who have paid a great price for serving this Nation, are five times more likely to work in the Federal Government as the private sector.

On September 11, unionized Federal workers were on the scene and played critical roles at both the World Trade Center and the Pentagon as they worked round-the-clock to make our homeland secure. Denise Dukes, of the Federal Emergency Management Agency, worked a 24-hour shift in Washington on September 11 to ensure that food and water was reaching the rescue personnel at Ground Zero. Afterwards, she left her two children to go to New York and coordinate the response and recovery effort on the ground. As Ms. Dukes explains of her fellow Federal workers: ''We were proud and eager to serve our fellow Americans, and we would never allow anything to stand in the way of that mission.''

Michael Brescio, who works for the Environmental Protection Agency's Response Team, got tens of thousands of urgently needed respirators to the rescue workers at Ground Zero immediately after the attack. Far away in Kodiak, AK, Mark Andrew Jamison went on high security alert in order to protect our Nation's coastline. Mr. Jamison, a veteran of our Nation's armed services who was entrusted with a top secret security clearance, loves his job because, as he put it: ''Above all . . . I'm a patriot like the hundreds of thousands of other Federal employees who keep our country secure and safe day-in and day-out.''

We must protect the rights of these dedicated Federal workers to remain union members and we must allow other workers in the new department to exercise their fundamental right to form a union.

Unions are critical to protecting our Nation's homeland security. Many Federal workers would not speak out about security lapses without the protection of a union because of the legitimate fear of retaliation by their supervisors. After September 11, an 18-year veteran of the U.S. Border Patrol named Mark Hall bravely spoke out about the vulnerability of our Northern border after INS management ignored this concern. Mr. HALL was threatened with being fired by the INS and faced a 90-day suspension without pay for speaking out to protect the American public.

The actions of Mr. HALL helped to make our borders safer. Congress subsequently acted to triple the border patrol personnel on the Northern border. Union membership was critical to Mr. HALL's ability to speak out in the first place. As he explains, he ''would never have spoken out if I hadn't had my union behind me because whistleblower protections alone would not have been enough.'' Federal workers who are denied union rights will be far less likely to speak out and protect the public in the future for fear of unjust retaliation. Denying Federal workers fundamental rights will undermine our Nation's homeland security at a time when we can ill afford it.

The President now has the executive authority to exclude workers engaged in intelligence work or particularly sensitive investigative work from basic collective bargaining. Past presidents have used this authority sparingly, out of respect for government workers—even in times of war. They have barred collective bargaining only in highly specialized and sensitive positions, such as U.S. Army Intelligence, Naval Intelligence, Naval Special Warfare Development Group and the Air Force Office of Special Investigations.

This administration has already demonstrated its intention to go far beyond every past administration in its use of this authority. Earlier this year, this Administration stripped clerical and other workers in the Department of Justice and the U.S. Attorney's office of their long-held union membership. After decades of dedicated service to this Nation as union members, secretaries in the civil division of the U.S. Attorney's office were excluded from collective bargaining. These secretaries were not involved in national security; they were processing claims by people injured on government property and others suing over their denial of benefits. Nonetheless, this administration chose to deny these dedicated workers their fundamental rights.

We all know that this administration is not a champion of worker rights. They do not support a much-needed extension of unemployment insurance benefits. They oppose an increase in the minimum wage for the millions of Americans who work hard but still don't make enough to stay above the poverty line. This administration opposes ergonomic protections that would keep millions of workers from suffering debilitating injuries while at work. Immediately after taking office, this administration overturned rules requiring Federal contractors to obey our Nation's labor laws and undermined protections for Federal workers. But how far is this anti-worker agenda going to go?

We have witnessed the bravery of these workers, their dedication to their country, their military service, their contributions to their communities. Yet, this administration displays a contempt for workers and particularly for the Federal workers who serve with dedication every day to keep our Nation safe.

These unionized contract workers maintain the highest security clearances and do extensive work for the Department of Defense. Under the administration's proposal, we could well see Federal workers working alongside contractors with the federal workers being denied the same fundamental rights and protections that the contractors continue to hold.

These are the very rights held by the brave firefighters and police in New York City who paid the ultimate price to protect others. They are the rights that allowed those courageous border patrol officers to speak out and improve homeland security. It is essential that any reorganization respect and protect the rights of these, and thousands of other hardworking Federal employees, whose work is so vital to the new Department's success and the Nation's security. Denying basic rights to those who strive and sacrifice to make us safer will not protect homeland security.

Some on the other side of the aisle claim that union membership is inconsistent with service to our country. For example, Senator GRAMM claims that union workers kept Logan Airport's luggage inspection area from being renovated by the Customs Service. He claims that the renovation had to be negotiated with the union as part of a collective bargaining agreement.

This is just one example of the many distortions being offered on the other side by those who want to deny dedicated Federal workers their fundamental rights. In fact, the collective bargaining agreement of those dedicated Customs workers did not prevent the Customs Service from renovating the terminal. The union did not have the right to bargain over whether any renovation could take place. The agreement between these workers and the Customs service simply provided that the workers should be notified of the change and be able to discuss the impact of the particular implementation of the change. Since the workers were not notified, the new construction was poorly done. It left the Customs inspectors with an obstructed view, making it much harder for them to do their job well. The result was that the rate of Customs seizures subsequently went down at the airport.

This case is a perfect example of how ignoring the front-line workers who protect America day in and day out will not make us safer. These workers want to do the best job possible each and every day. For that reason, they challenged the Customs service for failing to properly notify and consult the

workers and won the case before the Federal Labor Relations Authority.

The real test of our core values come not during easy times but during times of crisis. We must stand up for the right of free association and the basic protections for these dedicated Federal workers. This is the real test of who we are as a nation. By being true to the values that make America great, we honor the sacrifices of America's veterans even as we protect the security of our homeland.

Mr. LIEBERMAN. Madam President, we have now entered the sixth week in which the Senate has been considering legislation to create a Department of Homeland Security which all of us, most all of us, agree is urgently necessary because the current disorganization in the Federal homeland security apparatus is dangerous. This is the sixth week, not all day every day, but parts of 6 weeks, beginning today.

Second, we are about to have the fifth opportunity to invoke cloture on this bill, to stop the debate in deference to the urgent national security interests in adopting this legislation.

I fear the majority of my colleagues are on automatic pilot in which they are, once again, for reasons I consider to be peripheral, marginal, and unknowing, insensitive to the fact that the Senator from Texas, Mr. GRAMM, and I and everybody else have acknowledged that on more than 90 percent of this bill, we all agree. So we are prohibiting action on a matter of urgent national security importance because of a small disagreement.

There is a lot of interest in it. It means a lot to Members on both sides. Why not follow the leadership and independence of the Senator from Pennsylvania who has just said: My Republican colleague, this is too urgent a matter to delay any longer. I will vote for cloture.

There is nothing like cloture and the imminence of a vote on the underlying bill to force the kind of compromise that we need to have in the interest of national security and that we are so close to having.

Up until this time, largely through the good work of Senators BEN NELSON, JOHN BREAUX, LINCOLN CHAFEE, encouraged by a lot of us, there has been a show of flexibility with regard to the protections for homeland security workers and the President's desire for executive authority, particularly in cases of national emergency, that Federal employees and those who are concerned about their rights in the Chamber have moved.

In fact, the Nelson-Chafee-Breaux compromise moves back from the protections for homeland security workers our bipartisan committee bill provided.

I supported those compromises, and the Federal employee associations, workers groups, unions also supported them because they know how urgent it is to adopt a homeland security bill.

The White House regrettably has moved hardly at all. The Senator from Texas who led the debate on the other side has moved hardly at all. That is why we are at this impasse.

Mr. DURBIN. If the Senator will yield, I want to point out how hard the Senator has worked on this, even before the President announced his commitment to a Department of Homeland Security. The Senator worked through the Governmental Affairs Committee on a bill. There were long hearings and markups, and they brought it to the floor, and now for 6 weeks we have been on it. This is the fifth time we are going to try to bring debate to a close and a final vote.

I say to my colleague from Connecticut, if the Senate Republicans reject this effort to end the debate, I frankly think we ought to harken back to the Cub fans back in Chicago, who said: It is time to wait until next year.

Mr. LIEBERMAN. I thank my friend from Illinois for his kind comments. I hate to say it because, by nature, I am an optimistic and trusting person. As we all know, the clock is ticking and the Senate is going to move to debate on a resolution concerning possible military action in Iraq. That means this will go back to the calendar. Will it ever emerge? I don't know. I would hate to think that will happen on a matter of such critical national security interest. This is the protection of the lives and safety of the American people we are discussing.

The evidence grows that the disorganization of the Federal bureaucracy contributed to the vulnerability that the terrorists took advantage of on September 11. As I say, I am a trusting person. So I keep asking myself, why won't the White House negotiate on these matters? I have been reading and listening with alarm to some of the things being said, and they trouble me because I worry now that we are being stopped from achieving an agreement on a matter that we agree 95 percent on, for reasons that have something to do with the election.

Last week on this floor, Senator HARRY REID of Nevada introduced into the RECORD an e-mail sent apparently to almost 2 million people on the Republican National Committee mailing list that said the Senate is more interested in special interests in Washington and not in the security of the American people, and we will not accept a Homeland Security Department that doesn't allow this President and—et cetera, et cetera, and then quoting President Bush. It also says the bipartisan approach is stalled in the Senate because some Democrats chose to put special interests and Federal Government employees ahead of the American people. That is untrue.

President Bush altered his rhetoric at the end of last week after the eruption over that language and toned it down a bit—but still kept it in a political context. In Flagstaff, AZ, last week, reading from the Washington Post of September 28, the day before, the reporter Edward Walsh says:

> The President today portrayed his differences with the Senate over the creation of a Department of Homeland Security as a struggle between common sense and business as usual, and he urged the election of Republicans to help him implement his idea.

Mort Kondracke reports yesterday Roll Call a conversation with our colleague, the other Senator from Tennessee, Mr. FRIST, chair of the National Republican Senate Committee:

> In an interview, Bill Frist, chairman of the NRSC told me he has no intention of turning Iraq into a campaign issue, but every intention of doing so with homeland security.

Of course, it is the right of the Republican Party and the President to make an election issue out of anything they want to make an election issue out of, but this is a matter on which we should not be engaged in politics. This is a matter on which we should be reasoning together to get over the small differences that remain on this question, to reach common ground and get this done. The Gramm-Miller substitute leaves out some very critical parts that our committee put in. Senator DURBIN has a part on information technology. Of course we should support it. Senators CARNAHAN and COLLINS put in an amendment to create a COPS-like program for firefighters. There should be broad, bipartisan agreement on that. I could go on. Senator CARPER has a provision relating to the safety and security of Amtrak facilities. None of those are in Gramm-Miller. If we can reach agreement on this question of protection for Federal Homeland Security workers and protecting also the President's prerogatives regarding national security, I would guess that the Gramm-Miller substitute, as amended by NELSON-CHAFEE-BREAUX, would have a real head of steam behind it and would probably find its way rapidly to the conference committee.

Let me make this appeal to my colleagues on the other side. We are not a unicameral legislature. The White House seems to be insisting that we negotiate to the final point here in the Senate bill, and with that stubborn intransigence they are blocking us from achieving all the rest that we want to achieve in terms of homeland security. We can pass the bill here. It then goes to conference. The process continues.

So let's not have it reach a dead end here, which it is rapidly approaching, as we move on to the Iraq resolution and the probability of adjourning—or at least recessing—quite soon thereafter. I appeal to my colleagues—mostly Republicans, but some of those Democrats who voted against cloture the first time on Gramm-Miller—to listen to the words of the Senator from Pennsylvania. The best way to get this moving is to invoke cloture, force the compromises we need. Let's have the meetings that Senator THOMPSON, Senator SPECTER and I have talked about with Senators NELSON, BREAUX, CHAFEE, and anybody else who wants to come. This is an eminently solvable

dispute, if we have the will to do it. Then we can go on to protect the security of our people and dispatch our responsibility under the Constitution.

How much time do I have remaining?

The PRESIDING OFFICER. Two minutes.

Mr. LIEBERMAN. I yield that time to the Senator from Louisiana, unless the Senator from Tennessee wishes to go forward.

Mr. THOMPSON. No.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I think the Senator is right on target. We have two differences of opinion about how to approach this matter, and there is not a dime's worth of difference between the two. The easiest way to figure out how to reach a legitimate compromise is to vote cloture, and then we can negotiate what is the proper approach to this legislation. If you read both offerings in this particular area, we will give the President essentially the authority to take away collective bargaining rights of American workers if they are related to national security or threats of national security. We also basically give him the authority to make management changes. I will address this quickly.

If you are going to make management changes, do you want the people whose jobs are being changed to be involved in that decision or do you want to take away their collective bargaining rights, one, and tell them arbitrarily what they are going to have to do? What type of a worker are you going to have if you take that away and then not even let them talk about what their duties are going to be. You are going to have a very reluctant workforce, which is not in the interest of this country from a homeland security standpoint. We have suggested models after the IRS, which say let them come in and negotiate, talk, and find out what their duties are going to be. If you cannot agree, we suggested turning it over to a Federal board that the President appoints to resolve the conflict and let them make the decision. At least the workers will have an opportunity to be heard. I don't think that is asking too much when you have taken away all of their collective bargaining rights.

This thing can be resolved. We are going to continue our meetings this afternoon. We have taken 3, 4 weeks already and have not made a lot of headway. Perhaps we ought to appoint a Federal negotiating board to handle the Senate, and maybe we can resolve it that way because, obviously, right now we are not making progress. But we are going to continue our efforts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Madam President, the issue here with regard to this cloture motion is whether or not the President of the United States is entitled to an up-or-down vote on his proposal to make this country more safe. I repeat. The issue—and the only issue—on this cloture vote is whether or not the President of the United States, at this time in our history, is entitled to an up-or-down vote on his proposal to make this country safer. I think the answer to that is yes and the answer to cloture should therefore be no.

If there is not a dime's worth of difference between these proposals, I would like to think the President in this time in our history would be given the benefit of the doubt on these issues, which our friends on the other side say are really insignificant.

The Senator from Connecticut says the evidence mounts as to shortcomings of the Federal bureaucracy and that it contributed to the problem we had on September 11. I could not agree more. My only question is: Then why are we not allowed to make some changes that might improve the situation?

Gramm-Miller does provide for consultation. The implication has just been made that Gramm-Miller does not provide for consultation. Why shouldn't employees be brought in and enter into a dialog? It provides for that.

However, the Nelson-Chafee-Breaux so-called compromise still puts additional hurdles in the path of this President that other Presidents have not had. For some reason, at this time, with regard to this Department of Homeland Security, we are putting forward additional hurdles and additional determinations this President must make that other Presidents have not had to make.

The Nelson-Chafee-Breaux compromise takes the issue of labor-management and the issue of appeals off the table altogether and says: You shall make no changes, regardless of the myriad indications we have had where we have deficiencies in our system with regard to these issues.

There is no reason why these issues should take years and years to resolve. There is no reason why we should fiddle while Rome is burning. Surely we can do better, but this so-called compromise takes those issues off the table and out of the power to make any kind of adjustments. I suggest that is not a reasonable compromise. I suggest the President is entitled to an up-or-down vote.

I agree with my good friend from Connecticut; we are in the last stages of this discussion. If we do not resolve this matter within the next day or so, there will be no homeland security bill this year. That is a tragedy for this country. We apparently divided sides and decided who benefits. That is the fact, and, therefore, I urge no on the cloture vote.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Gramm-Miller amendment No. 4738:

Joseph Lieberman, Max Baucus, Ben Nelson of Nebraska, Dianne Feinstein, Tim Johnson, Patrick Leahy, Jeff Bingaman, Jack Reed, Hillary Rodham Clinton, Jim Jeffords, Debbie Stabenow, Daniel K. Akaka, Harry Reid, Maria Cantwell, Byron L. Dorgan, Herb Kohl.

By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the Gramm-Miller amendment No. 4738 to H.R. 5005, an act to establish the Department of Homeland Security, and for other purposes, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. CORZINE) would vote ''aye''.

Mr. NICKLES. I announce that the Senator from Colorado (Mr. ALLARD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 52, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—45

Akaka	Dodd	Levin
Baucus	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feinstein	Murray
Breaux	Graham	Nelson (FL)
Cantwell	Harkin	Nelson (NE)
Carnahan	Hollings	Reed
Carper	Inouye	Reid
Chafee	Jeffords	Rockefeller
Cleland	Johnson	Schumer
Clinton	Kerry	Specter
Conrad	Kohl	Stabenow
Daschle	Landrieu	Wellstone
Dayton	Leahy	Wyden

NAYS—52

Allen	Fitzgerald	Murkowski
Bennett	Frist	Nickles
Bond	Gramm	Roberts
Boxer	Grassley	Santorum
Brownback	Gregg	Sarbanes
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Byrd	Helms	Smith (NH)
Campbell	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Stevens
Craig	Kennedy	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Ensign	McCain	Warner
Enzi	McConnell	
Feingold	Miller	

NOT VOTING—3

Allard	Corzine	Torricelli

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 52.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having come and gone, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:52 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

The PRESIDING OFFICER. The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Mr. President, the majority leader shortly wishes to make a statement. I see my friend from Missouri is in the Chamber, and a number of other Senators.

Do any of the Senators wish to speak now?

I yield to my friend from Missouri for purposes of a question. Does the Senator wish to speak now?

Mr. BOND. Mr. President, I have a number of issues to speak about. I wish to speak in relation to a welcoming resolution, and then I have further remarks upon which I wish to expound.

I am happy to accommodate the floor leader's desire. I ask what his intentions are.

Mr. REID. My intention was that we go into a quorum call until the majority leader appears on the floor. But maybe—and does the Senator from Louisiana wish to speak?

Ms. LANDRIEU. Yes. Thank you, I say to the assistant majority leader. I wish to talk about the West Nile virus for a few moments because it is an issue that is so important to Louisiana and many States.

Mr. REID. How long does the Senator wish to speak?

Ms. LANDRIEU. Maybe 10 minutes. But we may not be ready. The House is passing their bill. I am kind of open to the time.

Mr. REID. How long does the Senator from Missouri wish to speak, approximately?

Mr. BOND. Mr. President, I have one matter that will take 2 minutes and another matter that will take 10 to 15 minutes. And if nothing else is happening, I could go for another 20.

Mr. REID. I am wondering if my two friends, the Senator from Louisiana and the Senator from Missouri, if the majority leader comes to the floor, would be willing to yield to him for his statement?

Mr. BOND. Pardon?

Mr. REID. I said, if the majority leader appears on the floor, will you be willing to yield to him for a statement?

Mr. BOND. Mr. President, of course. I am always happy to accommodate my colleague.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Missouri be recognized for up to 20 minutes; and that following that, the Senator from Louisiana be recognized for 10 minutes; and that they both agree, when the majority leader appears, that they will yield to him for his statement.

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

Mr. BOND. Mr. President, I thank my good friend, the majority floor leader. My first item should be a noncontroversial one.

WELCOMING HER MAJESTY QUEEN SIRIKIT OF THAILAND

Mr. BOND. Mr. President, we are going to be having a visit from a very important leader of a great ally, the Queen of Thailand. Her Majesty Queen Sirikit arrives here in Washington on Friday of this week.

We know that Thailand and the United States have a shared commitment to peace, liberty, democracy, and free enterprise. We are very dependent upon that country for economic trade as well as security. Queen Sirikit has done a remarkable job in leading the way in humanitarian efforts, including in rural Thailand.

Mr. President, we are experiencing a period of national tension as the United States girds itself to confront those nations and those faceless individuals who would threaten our prosperity, our security and, indeed, our very lives. However, in such times of anxiety, it is important that we recall that the globe is populated much more heavily with our friends than with our enemies and that, while we must face those enemies, we should also pause to honor our faithful allies.

With this thought in mind, I take a moment to draw the attention of the Senate to the Government and people of Thailand whose Queen, Her Majesty Queen Sirikit, arrives here in Washington, D.C. on Friday, October 4, 2002.

The United States enjoys a long and constructive relationship with the people of Thailand, dating back to 1833 when the administration of President Andrew Jackson negotiated and signed the Treaty of Amity and Commerce in which the two signatories pledged to establish ''a perpetual peace'' between them. That treaty, the first such that the United States signed with any Asian nation, commenced a 169-year period of amicable, mutually beneficial relations.

Thailand and the United States enjoyed a shared commitment to peace, liberty, democracy and free enterprise, enabling us to cooperate both in the broadening and the protection of those values. Thailand is one of the only five countries in Asia with whom the United States has a bilateral security agreement. Furthermore, this country has a military assistance agreement with Thailand that was negotiated and signed following the end of the conflict in the Korean peninsula. Each year, our armed forces join with the Thai defense establishment in military maneuvers dubbed ''Cobra Gold''. These are the largest military exercises involving U.S. forces in the whole of the Asian continent.

We are all aware of, and deeply regret, the pain that many of the Thai people have had to absorb following the recent retreat of many Asian economies. However, after implementing painful but necessary reforms, the Thai economy is clearly bouncing back, with a recovered currency and annual economic growth that could prove to be as high as 5 percent his year. The U.S. remains Thailand's largest export market while Thailand ranks 22nd as a destiny of U.S. exports. This nation has an aggregate investment of almost $20 billion, while 600 U.S. companies, large and small, are currently doing business there.

But I do not wish to talk solely of general U.S.-Thai relations. I also wish to acquaint the Senate with the splendid humanitarian work of Queen Sirikit, who has worked tirelessly to promote the well being of both Thais and non Thais alike. For the past 46 years she has served as President of the Thai Red Cross Society. In this capacity, she had to address the massive humanitarian problems posed by the influx of 40,000 Cambodian refugees as they flooded across the Thai border to flee the turmoil in their country. Many of those people lived for years in the Khao Larn Center that she set up to shelter, feed and care for families with small children and unaccompanied orphans.

Her own people have similarly benefited from Her Majesty's close attention. To increase the income of the country's rural families, Her Majesty has initiated many projects, such as the Foundation for the Promotion of Supplementary Occupations and Techniques, better known as the SUPPORT Foundation. This is certainly a model for other developing countries as many are discovering to their cost that the early stages of economic development can often prompt a rush from the land to the city that the nascent urban economy is often unable to bear. If developing nations are to achieve sustainable growth, they will have to emulate Queen Sirikit's attention to the needs of the rural population.

I am by no means the first person to recognize Her Majesty's accomplishments. She has been awarded the prestigious CERES medal by the Food and Agriculture Organization of the United Nations. Tufts University has honored her with an Honorary Doctorate in Humane Letters in recognition of her work for the rural poor of Thailand. Her care for the health of those same people has won her an Honorary Fellowship from Great Britain's Royal College of Physicians.

I ask my colleagues from both sides of the aisle to join me in welcoming Queen Sirikit to the United States. I understand that Her Majesty will preside over an event at the Library of