

physical fitness. He does not qualify under the act we passed. Neither does a retiree who cannot work on a family farm because of pain, numbness, and osteoarthritis of both feet due to exposure of cold during noncombatant military service; a veteran who lost an eye when an air hose accidentally detached from an airplane being worked on and who cannot work as an airline pilot. He still pays the tax; as does a female retiree who has weekly panic attacks and chronic sleep disturbances as the result of a sexual assault which occurred while on active duty.

Mr. Speaker, we took the first step towards eliminating the Disabled Veterans Tax, but I would give us a grade of incomplete. We did not do the "A" work that our veterans deserve. During the time I have been in Congress, I cannot recall more than one or two other issues where I have received so many letters, e-mails, and phone calls. Our veterans have been telling us that this is an important issue to them. They deserve that we complete our work and do it at an "A" level.

I understand there are costs to concurrent receipt, but I also understand that the now disabled veterans did not hesitate when they were called to duty. They have returned home with disabilities they have had to live with ever since. How can we doubt the imperative that we keep our promise and give them what they deserve? They earned their military retired pay. They deserve their VA disability compensation. We should not make them wait any longer for justice to prevail.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. GRIJALVA) is recognized for 5 minutes.

(Mr. GRIJALVA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## IN SUPPORT OF ISRAEL'S CONSTRUCTION OF A SECURITY FENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, since 1948 the State of Israel has constantly been under attack from inside and outside her borders, from neighbors on all sides. Innocent Israeli citizens, including women and children and seniors, have become terrorist targets. Israeli shops, streets, and schools have become the battleground. There are always threats in the country and always a cause for alarm.

Today, the threat to Israel's security has never been greater. On the eve of the U.N.'s hearing this week on the West Bank barrier, a Palestinian suicide bomber blew apart a Jerusalem bus, killing himself and eight passengers. This strike, which injured 60 others, was in protest of the security barrier constructed by Israel to foil terrorist attacks such as this.

This terrible and painful bombing in Jerusalem has brought new urgency to the claim of Israeli leaders that a security fence is desperately needed in order to prevent terrorists from entering from the West Bank and proves that Israel is under a new wave of violence, one that the Palestinian leadership is unable and unwilling to stop.

For this reason, I support Israel's construction of a security fence and will support that additional miles be built should Israel so decide to continue this self-defense option. The security fence is a proven way to impede terror, which in turn will help advance the peace process. It is situated to protect the lives of Israelis. The separation barrier has proven itself by preventing 50 percent of the attempted terrorist attacks against Israel, and the fence around Gaza has prevented all Palestinian suicide bombers from entering the country.

There are Palestinians who are working now to disrupt this pursuit towards peace. Monday, the Palestinians presented their case to the United Nations International Court of Justice, the ICJ, standing against the Israeli separation barrier in the West Bank, while Israel appealed to world opinion and moral common sense to ignore the proceedings that are unfair.

Israel only began the construction of this fence after 3 years of near daily terrorist attacks that killed 919 Israelis and left thousands more wounded for life. Now more than 40 nations, including the United States, the European Union, and Australia, have joined Israel in protesting the court's consideration of this matter because it falls outside the court's traditional mandate to serve as a mediator between a willing state and, more importantly, because it undermines Israel's, and for that matter any nation's, right to self-defense.

The Palestinians and their supporters have now manipulated the U.N.

General Assembly to request the ICJ to issue a legal advisory on the security of the fence. Though it is not legally binding, this advisory opinion could prompt anti-Israel resolutions at the U.N. later this year and will reinforce efforts to isolate Israel internationally.

Manipulation of the ICJ is only the latest attempt in many attempts by Israeli detractors to use every arm of the U.N. to delegitimize Israel. The U.N. has been a source of anti-Israeli activity, passing more resolutions against Israel than any other subject matter, over 400 since 1964. In contrast, that body has never investigated the Palestinian terror campaign against Israel, nor has it investigated the abuse, torture, and other human rights violations by nondemocratic states in the Arab world. The U.N. is the same body that voted against removing Saddam Hussein and ending his evil regime over his own people.

The international community and Arab states in the region must come together now and strongly discourage further Palestinian terrorism. Nations around the world must support Israel in their right to defend their land and their people. Israel has every right and must have every right and ability to protect their people and their country. Those who say otherwise, that Israel's self-defense is an impediment to progress, they miss the point entirely. The destruction of Palestinian terrorism is not an impediment to progress; rather, it is the definition of progress.

Where the violence stops, the peace process can move forward. And until it does, Israel's efforts to build a security fence on their own borders are a necessary and justified response to the perils that this nation faces. As Israel is a free and democratic, peace-loving nation and our only real ally in a region filled with unrest and American hatred, our Nation must do everything we can to support Israel and not stand in the way of the Israeli leaders doing what they feel is necessary to protect their citizens and their homeland.

## AMERICA AT RISK: CLOSING THE SECURITY GAP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. TURNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. TURNER of Texas. Mr. Speaker, I yield to the distinguished gentleman from South Carolina (Mr. CLYBURN), the vice chairman of the Democratic Caucus.

THE MATTHEW PERRY COURTHOUSE

Mr. CLYBURN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I failed last evening to make this statement, which I thought was very important to me during Black History Month, because of a little appointment I had with the dentist. So I

am pleased that the gentleman yielded to me today.

Mr. Speaker, when I first came to Congress 11 years ago, the very first piece of legislation I introduced was to name the Federal courthouse proposed for Columbia, South Carolina, in honor of Judge Matthew J. Perry, Jr. Some of my friends and colleagues cautioned me that the time was not quite right for such a bold initiative, and others counseled me that the thought bordered on naivete. But I had read and taken to heart Martin Luther King, Jr.'s letter from the Birmingham city jail.

In that timeless document, Dr. King addressed the rightness of time. King wrote that "time is neutral. Time is never right and time is never wrong." He opined in that letter that "the people of ill will in our society seem to make much better use of time than the people of goodwill." And he went on to write that "we are going to be made to repent in this generation not just for the vitriolic words and deeds of bad people, but for the appalling silence of good people." I felt, therefore, that even if it were not time for such to be done, it was certainly time for silence on the subject to be broken. It has been a long time coming, but I am proud to say that the Matthew J. Perry, Jr. United States Courthouse will be officially dedicated on April 23, 2004.

Today, like every day for the past 25 years, Judge Matthew J. Perry walked into his office in the Federal courthouse in Columbia, South Carolina, to adjudicate cases according to Federal law. Today, he sits as a defender of the very Constitution that was once used to deny him and his forebears the right to attend his home State's law school or vote for those who made the laws. Today, Judge Perry is a stoic defender of "liberty and justice for all" that led him and all of South Carolina to this glorious time in our history.

Born in a segregated society just a few miles from the building that now bears his name, Judge Perry's youth prepared him for a lifetime commitment to challenging injustice. Judge Perry was raised by a grandfather after his father died when he was 12 years old, and his mother left home to find work in New York as a seamstress. Despite his challenging childhood, he was determined to make a better life for himself and worked odd jobs to put himself through South Carolina State College.

A defining moment in Matthew Perry's life came when he was drafted to serve in World War II. After finishing basic training in Alabama, he went to the train station to proudly return home as an American soldier. But he was turned away from the station's restaurant and forced to order food through a window as he watched foreign prisoners of war eating inside. Such injustice fueled the fire within this gentle man to return to South Carolina after the war and attend South Carolina State College's law

school, which was established to avoid integrating the law school at the University of South Carolina.

Upon graduation, he passed the State's newly implemented bar exam, which was adopted, in part, to impede blacks' membership in the South Carolina Bar. As a young black attorney, he took cases based on principle, not on payment. He became well known for his commitment to fighting for justice regardless of the personal costs and soon became the chief counsel of the South Carolina Conference of Branches of the NAACP.

□ 1445

Judge Perry argued many notable cases. He served as lead attorney in the successful litigation to integrate Clemson University in 1963. In 1972, he won a tough reapportionment case which resulted in the creation of single member districts in South Carolina. He had a hand in almost every case that integrated South Carolina's public schools, hospitals, golf courses, restaurants, parks, playgrounds and beaches. He individually tried over 6,000 cases, and his work led to the release of some 7,000 people arrested for protesting various forms of segregation.

I was one of those protestors that Matthew Perry so eloquently defended, after I was arrested with nearly 300 other students on a bitterly cold day in 1961. Matthew Perry chose me as his chief witness at the trial of Fields against South Carolina. He lost that case, as he did all of his cases at the magistrate level, and, with one exception, all were overturned on appeal. His perseverance was unmatched and his dedication undaunted.

Judge Perry went on to become the first black lawyer from the Deep South to be appointed to a Federal bench when in 1976 he became a judge on the United States Military Court of Appeals here in Washington, D.C. Three years later, he returned home to become a United States District Judge for South Carolina, where he continues to serve today in senior status.

Throughout the death threats and lean times that marked his early career, to today's achievements and accolades, Matthew's devoted wife Hallie has remained steadfastly by his side. The couple has one son Michael, a banker in Charlotte, North Carolina.

The dedication of a United States courthouse in his honor in the shadow of his birthplace that was once cloaked in the scourge of segregation signals a new era in South Carolina, brought about in large measure by the dogged determination of Matthew Perry and his unbending faith that justice will prevail. His vision and veracity led him to challenge the Jim Crow laws of his time and succeeded in providing faith and hope to an entire generation of South Carolinians.

Mr. Speaker, the motto of the State of South Carolina is, "While I Breathe, I Hope." Our State's motto and our Na-

tion's promise of life, liberty and the pursuit of happiness are reflected in the life experiences and work of Judge Matthew J. Perry, Jr., and I am pleased to be here today to enter into the record just a little synopsis of the life of this great South Carolinian and outstanding American.

Mr. TURNER of Texas. Mr. Speaker, I rise today to speak on a very critical subject, the subject of homeland security. There is no responsibility of this Congress more important than the exercise of vigorous and thorough oversight in the area of homeland security. Just one year ago, the Congress created the Department of Homeland Security from 22 separate agencies of this Federal Government. Implementing the largest reorganization of the Federal Government in almost 50 years would be daunting enough, but given the urgency to prevent, to deter and to respond to terrorist attacks, and knowing that failure is never an option when dealing with terrorism, it is clear to me that the administration, that the new Department and its congressional overseers, face a challenge unlike any in our history before.

A lack of leadership or focus, errors in prioritization or judgment, any of these can place thousands of American lives at risk. Poor management can result in a waste of taxpayer dollars as the new Department enters into multi-billion-dollar contracts under pressure to get this critical job done.

The Democrats on the Select Committee on Homeland Security, in exercising our responsibility for oversight, have produced a 135-page review of the Department of Homeland Security's activities during its first year. This document is entitled "America at Risk: Closing the Security Gap." We have relied upon in preparation of this document our own independent investigations, our own research, as well as a wide range of expert opinion from throughout this country. This report highlights the very significant security gaps that still remain, and offers recommendations on how we can best go about closing these security gaps.

From the very founding of our Nation, the very first charge of government is to provide security for the American people. The opening words of our Constitution call on us to provide for the common defense. We gather here today in the shadow of a grave and gathering threat to the safety and the security of the American people. Those who delivered the deadly blows against our Nation on September 11, 2001, are poised for further attacks against our homeland.

Just days ago, Ayman al-Zawahiri, the mastermind behind al Qaeda's operations and Osama bin Laden's closest confidant, threatened America once again. In an audiotape released to the Al Jazeera network, Zawahiri had this to say: "Bush, strengthen your defenses and your security measures, for the Muslim nation, which sent you the legion of New York and Washington,

has determined to send you legion after legion seeking death and paradise."

Just last Tuesday the Director of the Central Intelligence Agency, George Tenet, confirmed the stark reality of the al Qaeda threat, saying before this Congress, "Al Qaeda is still capable of catastrophic attacks against the United States." Director Tenet made the nature of the conflict with al Qaeda clear when he said, "We are still at war against a movement that is not going away any time soon."

Mr. Speaker, we are at war, at war against a cruel and calculating foe who will not stop in its effort to deliver death and destruction to our shores, and we must do everything necessary to close those security gaps that make us vulnerable to terrorist attack, and we must move with the urgency of a Nation at war.

That is why the Democratic Members of the House Select Committee on Homeland Security have chosen the first anniversary of the Department of Homeland Security to issue this report to the American people. We present a review of our defenses, and we propose recommendations to close the security gaps that make us vulnerable to attack.

Mr. Speaker, we all understand that there is no responsibility of Congress more important than working to preserve the safety and security of every American. That requires this Select Committee on Homeland Security in this House to vigorously exercise our oversight responsibility. We know that we cannot afford to sleep while Rome burns.

There are some who say on this first anniversary of the new Department that we are safer than we were before September 11, 2001. That is true. But that sets the bar way too low. The real question that we must ask today is, are we as safe as we need to be in light of the threats that we face? Unfortunately, the answer to that question is no.

Our Nation remains vulnerable to potential catastrophic attacks involving nuclear, chemical, biological and radiological weapons. Pathways to the United States by land, sea and air are still insecure; our critical infrastructures have few defenses; and our communities are not as prepared as they need to be in the event of a terrorist attack. The results of our report, "America at Risk: Closing the Security Gap," should serve as a call to action for this Nation.

Mr. Speaker, I believe there are some key defenses that we must have in place to prevent a catastrophic attack on our country. To keep the terrorists away from our shores, we must develop a unified terrorist watch list, and we must focus on preventing the threat of nuclear, radiological, biological and chemical attacks against the American people.

I would like to review for you just a few examples from this 135-page congressional oversight document which

exposes the serious security gaps that we still have when it comes to protecting America from catastrophic attack.

Two and one-half years after September 11, 2001, there is still not a unified terrorist watch list in this government, a list that must be available to help our agents stop all suspected targets at our borders. The promised completion date for a unified terrorist watch list has slipped four times. In the past 2 weeks alone the completion date that is projected by the Department for this project has slipped another 9 months. We have the technology to create a unified terrorist watch list, but we need the focus and the discipline and the will to get this critical job done.

Many other systems that we are putting in place to protect America will depend upon an accurate, effective, real-time unified terrorist watch list. It is hard to understand or explain how 2½ years after September 11 we still have not gotten this job done.

Another example from this report of a security gap, millions of cargo and containers enter America every day and travel through our communities without having been screened for radiological and nuclear devices. This Congress has appropriated the funds to make sure cargo containers that enter our ports are free of nuclear material that could be used in a dirty bomb or a crude nuclear weapon, but the job is not yet done.

There are at least 57 different countermeasures that are needed to defend against diseases that are the greatest threat of biological terror. Today only one of these countermeasures can be widely distributed, just one.

Mr. Speaker, there is still no plan to secure the 123 chemical plants that we are told will threaten the lives of over 1 million people in the event of a massive breach of chemical containment due to terrorist attack. It remains an unassailable and uncomfortable fact that America is not as safe as it needs to be in the face of the threat of al Qaeda.

Mr. Speaker, we must take stronger and faster action to close these security gaps. The men and women who patrol our borders, who inspect our cargo at our ports, who respond to emergencies are setting a high standard for excellence, but they must have the leadership and the support and the direction that they deserve. That is the responsibility of the leadership of this Congress and of the new Department of Homeland Security and of our President.

On this, the first anniversary of the Department of Homeland Security, we should strive to regain that sense of urgency that we all had after September 11, 2001. We must have a renewed sense of purpose to close the security gaps which threaten the safety of the American people.

I am confident that, working together, we can accomplish these goals.

I am confident that America can look forward to a day when we have won the war on terror.

□ 1500

But it will not happen unless this Nation continues to press forward with a sense of urgency that we all know must exist when we are at war.

Some have said, can we afford to protect America against the threat of terrorist attack? And there is no question that the cost of security has run to the billions of dollars. But the real question that we should be asking and that we should be willing to address is, can we afford not to close these security gaps? For the truth of the matter is that if we fail to close these security gaps and our terrorist enemies are successful in another catastrophic attack against our country, it will cost us far more than the cost of securing America.

When I look at the level of spending for homeland defense, though it is large, it is important to put it in the context of the total Federal budget and the cost of our government. And when we examine the President's budget request for this upcoming fiscal year, which will be considered over the next few months by this Congress, we see that the President has asked for an increase in homeland security, new spending for the Department of Homeland Security that is equal to the amount of money that we spend every month in Iraq.

Now, we know we must be successful in Iraq. We know that having committed, we cannot afford to fail to achieve the stability of that country and to achieve democracy for the people of Iraq. But when we recognize that we, in our own defense, have seen the President recommend increased spending for our own security here at home an amount of money equal to what we spend every month in Iraq, it causes one to ask, are we placing our priorities in the right place. Both are important, but most important is protecting the security of the American people here at home.

I have the opportunity to receive briefings from time to time as the ranking member of the Select Committee on Homeland Security from our new Terrorist Threat Integration Center. I have the opportunity to look into the eyes of those CIA agents who daily have to listen to the threat reports from al Qaeda and other organizations against this country, and I can assure my colleagues that this country is at risk. And let there be no mistake about it: we must continue in our resolve to move faster and be stronger in protecting this country against the threat of al Qaeda and like-minded terrorist groups.

One of the members of our committee, a freshman member, the gentleman from Florida (Mr. MEEK), expressed it this way the other day. He said, spending on homeland security is like buying insurance. You can either

pay the premium and get the insurance to protect you, or you can decline to pay the premium and face the risk of the consequences. This Nation remains at risk. We are engaged in a struggle unlike any in the history of this country, and we are facing an enemy that is driven by culture, by religion, by fanaticism, and that is intent upon doing harm to the people of our country. This threat is one that we must face head on. This threat is one that we must be sure that we prevail against. And this threat is one that we must be willing to pay the cost of.

Mr. Speaker, it is my hope that every Member of Congress and the American people will join with us in regaining the sense of urgency that we have in making sure that we have done everything necessary to ensure the protection of the American people. I would urge every Member of this Congress and every listener to take a look at this report and its contents on the Web site of the Select Committee on Homeland Security. The Web address is [www.house.gov/hsc/democrats/](http://www.house.gov/hsc/democrats/). Let me repeat that, Mr. Speaker: [www.house.gov/hsc/democrats/](http://www.house.gov/hsc/democrats/).

As my colleagues review this report, I think they will find that we as a Nation have a long way to go in being able to tell the American people that we are prepared enough to defend against, to prevent, to deter, and to respond to a catastrophic terrorist attack.

Mr. Speaker, I hope that every Member of this Congress will join together in that same spirit that this Congress exhibited on September 11 of 2001 when we gathered just outside of this Chamber on the steps of this Capitol and joined together in expressing our resolve to prevail against al Qaeda, expressing our commitment to do whatever is necessary to win, and joined together in singing "God bless America." For the truth is, we are the greatest Nation that has ever existed on the face of the Earth. We have tremendous responsibilities in our leadership in this world, and we must do whatever is necessary to prevail in the war on terror.

#### HOMELAND SECURITY: FIRST PRIORITY FOR AMERICA

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, I want to thank the gentleman from Texas (Mr. TURNER) for hosting his important Special Order today. As we mark the 1-year anniversary of the creation of the Department of Homeland Security, it is a time to both recognize successes and acknowledge failures. There is no more important issue facing Congress today and the administration than protecting the freedom and security of the American people. In fact, the preamble to our Constitution makes providing

for the common defense the first responsibility of Congress.

Improving the safety of our citizens at home must be undertaken just as aggressively as pursuing terrorists abroad. I want to express my deepest appreciation to all those who have taken on this task, from the nearly 200,000 employees of DHS working in every sector in every State, to the dedicated and courageous first responders in all of our communities. We owe you a great debt of thanks and gratitude for your hard work. While it is true there is much still to be done, I know that these great Americans are up to the challenge.

Every day we ask our firefighters, police, and other emergency personnel to put their lives on the line; and since September 11, the burdens on these men and women have only grown. They need our support to keep America safe. With dozens of States experiencing their worst fiscal crisis since World War II, combined with the activation of thousands of Guard and Reserve members, first responders are more desperate than ever for Federal assistance. They are short on the most basic needs, including personnel, overtime, and equipment.

The Department of Homeland Security needs significantly more resources in order to get state-of-the-art training and equipment to our front line of first responders, along with national standards of future purchases and practices, so that all of our personnel are operating capably and consistently. In addition, we must ensure our law enforcement agencies are properly equipped to share information and coordinate activities so threats that cross jurisdictional lines can be adequately addressed.

One critical component of this goal is providing the communications equipment and infrastructure necessary for first responders to take effective and coordinated action.

□ 1515

Interoperable telecommunications technology exists today at an affordable price, but we must provide the funding and leadership to ensure it is deployed without delay.

Information must also flow more smoothly between Federal agencies and the State and local personnel who are the first to respond to an emergency. Unfortunately, at present, resources are being allocated and priorities are being set in the absence of a reliable threat assessment that can be mapped against existing vulnerabilities. State and local responders are operating without the benefit of current, specific intelligence and most lack the clearance or physical means to receive classified information even when it is available. We need to clarify the information-sharing responsibilities within our Intelligence Community and ensure that those who need this information receive it in a timely and beneficial manner.

Furthermore, we continue to face serious vulnerabilities at our ports, borders, and nuclear and chemical facilities and other critical infrastructure. While our airports are significantly safer due to increased passenger and baggage screening, passengers and crew are still at risk from the cargo traveling on these planes.

DHS should also deploy technology like remote sensors and unmanned aerial vehicles to secure every mile of our land border. We need to station Customs inspectors at high-risk ports abroad, increase accountability for companies shipping goods to this country, and deploy systems to track every ship and container entering a U.S. port.

DHS must ensure the highest levels of security at nuclear and chemical facilities, which means requiring the private sector to act as an equal partner in critical infrastructure security.

Finally, as we endeavor to identify threats before they become real dangers, we must be ever vigilant of defending the civil liberties of our citizens. Protecting the homeland does not need to run counter to protecting privacy and freedom. We should make sure that intelligence tools are used judiciously, and we must work always toward a balance that ensures both security and liberty.

The gentleman from Texas (Mr. TURNER), the ranking member, this week led Democrats on the Select Committee on Homeland Security in unveiling a report entitled *America at Risk: Closing the Security Gap*, and I was proud to join him in that effort. This important and comprehensive report details many of the remaining shortfalls in our homeland security defense efforts and, more importantly, offers substantive proposals for addressing them. I want to commend the gentleman from Texas (Mr. TURNER), the ranking member, for his leadership on this report. I hope this report will serve as a catalyst for bipartisan action, and I look forward to working with my colleagues to address this most important issue.

Mr. Speaker, our Nation has come a great distance since September 11, but we stop now at our own peril. We must act quickly to address the problems that remain and provide safe and secure communities for all of our citizens.

#### AMERICA: A NATION STILL AT RISK

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, tonight I want to build off the comments of perhaps some of the previous speakers in talking about America is still a Nation at risk.