

*proceedings in relation thereto occurs, whichever period ends later.]]*

Discussion: The Executive Director and the Board of Directors have been made aware that the Office of Compliance appears to be an agency covered by the requirements of the Federal Records Act (found at Title 44 of the U.S. Code). The Records Act requires that an agency consult with the Archivist of the United States regarding any record destruction program. Therefore, the Executive Director and the Board are withdrawing this proposal at this time, and will issue a new Notice regarding this subject matter after the requirements of the Federal Records Act have been satisfied.

**\$9.0[7]6 Payments [[off]] required pursuant to Decisions, Awards, or Settlements under section 415(a) of the Act.** Whenever a decision or award pursuant to sections 405(g), 406(e), 407, or 408 of the Act, or an approved settlement pursuant to section 414 of the Act, require the payment of funds pursuant to section 415(a) of the Act, the decision, award, or settlement shall be submitted to the Executive Director to be processed by the Office for requisition from the account of the Office of Compliance in the Department of the Treasury, and payment.

Discussion: This proposed rule reflects the existing procedure for processing payments under section 415(a) of the Act. Since section 415 does not authorize automatic stays of judgments or awards pending appeal, parties are advised to seek such a stay from the appropriate forum. Adding an automatic stay of payment until all appeals have been exhausted would require an amendment of the Act.

**\$9.0[6]7 Revocation, Amendment or Waiver of Rules.**

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#### AGRICULTURE SECURITY: PROTECTING AMERICA'S FOOD FROM FARM TO FORK

Mr. AKAKA. Mr. President, I rise today to call attention to the urgent need to prepare America against an attack on our agriculture. The Nation's agriculture industry is crucial to our prosperity. Yet it does not receive the protection it needs. Our food supply system is vulnerable to accidental or intentional contamination that would damage our economy, and, most importantly, could cost lives.

There is no need to question whether animal-borne diseases can actually threaten the United States. Look to last December's mad cow disease outbreak: only one cow was found to be infected, and yet the U.S. beef industry was thrown into a tailspin from which it still has not recovered. As a result: American cattle prices fell by 20 percent; some predict beef exports will fall by 90 percent from 2003 to 2004; and more than 40 foreign countries have instituted bans on American beef, most of which will not be lifted in the near future. This fallout resulted from the infection of only two cows.

In the beginning of February, a version of the avian influenza, a disease sweeping through Southeast Asian poultry that has killed at least 22 people to date, was discovered on two Delaware chicken farms. It also surfaced in New Jersey and Pennsylvania, and a far more contagious strain was later reported in Texas. While the two

strains found in these States carry no known risk to humans, this discovery illustrates how easily an animal-borne disease can break out in the United States. Only four farms and one live chicken market have tested positive for the disease. Yet this discovery resulted in the slaughter of over 92,000 chickens in the U.S. to date and a ban on American poultry exports in a number of Asian countries and the European Union.

We should learn two things from these recent outbreaks: No. 1, the cost to the agriculture community for even a small outbreak is high, and, No. 2, we must be prepared for the unexpected.

While the emergence of mad cow and the avian flu in American agriculture has been detrimental, it has not come close to causing the amount of damage a larger outbreak could create.

Imagine if either of these diseases spread across the Nation instead of being contained to just a few farms.

Or worse, imagine if the strain of the avian flu that is currently claiming human lives in Asia was found in the United States.

In these scenarios, the outbreak would have been far more difficult to contain and much more costly to our Nation.

A 1994 Department of Agriculture study said that if a foreign animal disease became entrenched in the United States, it would cost the agriculture industry at least \$5.4 billion. A 2002 report by the National Defense University predicted that this figure would be three to five times greater today. On a smaller scale, an outbreak that only penetrated 10 farms could have as much as a \$2 billion economic impact.

Earlier this month, the President released Homeland Security Presidential Directive 9, HSPD-9, aimed at addressing many of these concerns. HSPD-9 is a great first step. It signals the administration is aware of the vulnerability in our agriculture sector and considers this to be a homeland security priority.

Under HSPD-9, the President directed the Department of Homeland Security to ensure the execution of a number of much needed security measures, including the following: Develop surveillance and monitoring systems for animal and plant disease and the food supply that provide early detection of poisonous agents; develop nationwide laboratory networks for food, veterinary, and plant health that ensures communication and coordination between related facilities; and develop a National Veterinary Stockpile that contains enough vaccine and antiviral products to respond to the most damaging animal diseases.

But the President's initiative does not go far enough because it fails to address a number of serious shortcomings with the current governmental response to agriculture security, such as: Lack of communication between Federal agencies; insufficient coordination with, and funding for, State and local officials; inadequate international col-

laboration; and the impeding nature of some State and local laws to effective response plans.

To address these many concerns, I introduced two bills, S. 427, the Agriculture Security Assistance Act, and S. 430, the Agriculture Security Preparedness Act, to increase the coordination in confronting the threat to America's agriculture industry and provide the needed resources. My legislation provides for more targeted State and local funding and a better-coordinated Federal system.

The Agriculture Security Assistance Act would assist States and communities in responding to threats to the agriculture industry by authorizing funds for: Animal health professionals to participate in community emergency planning activities to assist farmers in strengthening their defenses against a terrorist threat; a biosecurity grant program for farmers and ranchers to provide needed funding to better secure their properties; and the use of sophisticated remote sensing and computer modeling approaches to agricultural diseases.

The Agriculture Security Preparedness Act would enable better inter-agency coordination within the Federal Government by: Establishing senior level liaisons in the Departments of Homeland Security, DHS, and Health and Human Services to coordinate with the Department of Agriculture, USDA, and all other relevant agencies on agricultural disease emergency management and response; requiring DHS and USDA to work with the Department of Transportation to address the risks associated with transporting animals, plants, and people between and around farms; requiring the Attorney General to conduct a review of relevant Federal, State, and local laws to determine if they facilitate or impede agricultural security; and directing the State Department to enter into mutual assistance agreements with foreign governments to facilitate the share of resources and knowledge of foreign animal diseases.

Over 30 Federal agencies have jurisdiction over some part of the response process in the event of a breach of agricultural security. In a report on the United State's preparedness for responding to animal-borne diseases issued in August 2003, Trust for America's Health, a nonprofit, nonpartisan organization founded to raise the profile of public health issues, stated that, "The U.S. is left with a myriad of bureaucratic jurisdictions that respond to various aspects of the diseases, with little coordination and no clear plan for communicating with the public about the health threats posed by animal-borne diseases." Protecting America's agriculture and its citizens requires Federal agencies to know who is responsible for what portion of the prevention and response to an attack on our agriculture.

State and local officials, and the communities they serve, are the front

lines of defense for American agriculture. Without adequate resources, both in terms of funding and advice, these defenses will fail. While the presidential directive mandates the creation of a coordinated response plan that would include Federal, State, and local partners, it falls short of supplying the State and local officials with the necessary funding and guidance to better protect their jurisdiction. Surprisingly, the administration proposes huge cuts in fiscal year 2005 to homeland security grants for the States.

We have witnessed the impact a small, unintentional outbreak of mad cow disease had on our country. We cannot wait for a far more damaging and widespread attack on our agriculture system. While I commend the President's initiative in this area, further action is needed. I urge my colleagues to support this overdue legislation to protect America's breadbasket.

#### GAO HUMAN CAPITAL REFORM ACT OF 2000

Mr. GRASSLEY. Mr. President, I come before this body to state that I would object to any unanimous consent or other requests to address H.R. 2751, S. 1522, entitled the GAO Human Capital Reform Act of 2003, as amended. The bill would, among other things, allow new authority to the General Accounting Office, GAO, to modify its personnel and workforce practices to allow greater flexibility in determining pay increases, pay retention rules, and other compensation matters. I am objecting to this bill because, at this time, I am evaluating a number of matters involving the operation and management of the General Accounting Office and one or more of its offices.

#### DEFENSE OF FREEDOM MEDAL WINNER GARY YORK

Mr. JOHNSON. Mr. President, I rise today to publicly recognize Mr. Gary York of Yankton, SD, for receiving the Defense of Freedom Medal.

There was little doubt that active-duty military members killed or injured in a hostile attack would receive the traditional Purple Heart, but the Defense of Freedom Medal marks the first time in United States history that civilians have been formally recognized for wounds received in combat. This medal exemplifies the principles of freedom and defense of the freedoms upon which our country was founded.

Gary is not just a good friend, he is also a dedicated worker. He currently serves as the power plant senior controller at Yankton's Gavin's Point Dam. Answering the President's call to volunteer his time in Iraq, he left for Iraq in September and was overseeing a crew of workers who were rebuilding 400,000 volt power lines running from power plants to switchyards in Baghdad.

While spending Christmas Eve in Iraq, away from his family and friends

and the comforts of home, Gary sustained wounds to the head and shoulder while traveling in a convoy near Balad. The convoy was attacked by unknown assailants using small firearms. Two Iraqi security guards traveling with the convoy were killed in the attack.

It is with great honor that I share Mr. York's tremendous accomplishments with my colleagues. He is a true patriot, and America is deeply grateful for his service.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In Council Bluffs, IA, a 15-year-old girl allegedly approached two other girls who were holding hands and assaulted them saying she was "tired of seeing them hold hands and kissing." The girl has been accused of assaulting the girls because of their sexual orientation.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### TRIBUTE TO ADMIRAL (RETIRED) THOMAS MOORER

Mr. SESSIONS. Mr. President, I rise today before the Senate to recognize a great American and one of the finest patriots this Nation, and my home State of Alabama, has ever produced. We are truly saddened by the loss of Retired U.S. Navy Admiral Thomas Moorer, former Chairman of the Joint Chiefs of Staff from July 1970 to June 1974 and former Chief of Naval Operations from 1967 to 1970.

Admiral Moorer's distinguished service in our great Navy spanned 41 remarkable years during which he dutifully stood the watch against our adversaries. He was our 7th Chairman of the Joint Chiefs of Staff and the 18th Chief of Naval Operations. These accomplishments were consistent with his outstanding service record that had placed Admiral Moorer on our front lines throughout his career. Admiral Moorer was serving in Pearl Harbor with Patrol Squadron Twenty-Two on December 7, 1941. He witnessed that "day of infamy" and answered with bravery as he was one of the first pilots to get his aircraft airborne after the Japanese attack.

Never shying from battle, he was wounded in aerial combat when his aircraft was shot down near the Aus-

tralian coastline. Indeed, indicative of the ferocity of the combat, the rescue ship that recovered him was sunk by enemy action the same day as his rescue. Still, he would not quit and went on to receive the Distinguished Flying Cross for valor. He flew through hostile areas with full knowledge of overpowering enemy aircraft superiority flying badly needed supplies into the besieged island of Timor and flying evacuations of the wounded. He also stood watch during the Korean conflict, during the Cuban Missile crisis, during our engagement in Vietnam and during our outreach to China.

Admiral Moorer distinguished himself in many positions including command of our Seventh Fleet, arriving at full Admiral in June 1964 when appointed to Commander in Chief of the Pacific Fleet. He was the first naval officer to command both the Pacific and Atlantic Fleets. Admiral Moorer stood his watch as Chairman of the Joint Chiefs of Staff, the highest position any military officer can achieve, under President Nixon as the Nation extracted itself from our conflict in Vietnam. Writing in *White House Years*, Dr. Henry Kissinger remarked that Admiral Moorer "had spent the 1960s in command positions which, while not without their frustrations, did not produce the physical and psychological exhaustion of high-level Washington. A canny bureaucratic infighter, Moorer made no pretense of academic subtlety. If anything, he exaggerated the attitude of an innocent country boy caught up in a jungle of sharpies. What his views lacked in elegance they made up in explicitness. By the time he took office, Vietnam had become a rearguard action. He conducted its heartbreaking phaseout with dignity. No President could have had a more stalwart military advisor."

He did not waiver. Admiral Moorer strongly disagreed with the Panama Canal giveaway. In fact, he testified before the Senate Armed Services Committee several years ago on this subject. The public had again become concerned about this issue as a Chinese company had won the contract to operate both ends of the canal. Admiral Moorer noted the danger this posed to the movement of our fleet.

As a young Alabamian, I followed Admiral Moorer's career. He was from the small rural community of Mt. Willing. Mt. Willing was on the road to Montgomery from my home in the rural community of Hybart near Camden. I would frequently go through Camden up Highway 21 through Mt. Willing on my way to Huntingdon College in Montgomery where I was a student. I would pass Moorer's grocery operated by a relative, and have the chance to think of the extraordinary accomplishments of this remarkable Admiral from the heart of Alabama. He carried those values with him as can be seen from Dr. Kissinger's comments and those who knew him. Mt. Willing is an old