Department cannot reach an agreement, then they have to take it to arbitration to the Federal Service Impasses Panel. This is a board, again, all of whose members are appointed by the current President, so it is not a hostile board, and that board makes the final decision.

I do believe that our colleagues, Senators BEN NELSON, LINCOLN CHAFEE, and JOHN BREAUX, have worked out a proposal, a genuine compromise that is different from what our committee reported out but provides a door opener both to management flexibility, to some progress in management, and does not diminish ultimately the authority of the President of the United States, certainly not with regard to his ability and capacity now to invoke national security with regard to union membership rights of Federal employees.

I am puzzled as to why the administration has not accepted this compromise proposal and the Senator from Texas is effectively involved in a filibuster of the overall bill. I remain open to discussion about parts of this. I appreciate what the Senator from Utah said about a time limit. Five years seems like a long time to me.

One of the issues we considered in the committee, and I know was considered in the negotiations, was the possibility, with regard to the civil service management flexibility, of giving—we call it demonstration authority, but the idea was for a limited period of time to give the President some of the authority he wanted, and then come back and see how it worked and consider whether we wanted to extend it.

I am grateful for the words of the Senator from Utah, and as we begin our new week, after some of the heat that was exchanged on the floor of the Senate, I am grateful for the coolness of his—in the best sense of that word—that is, the thoughtfulness of his remarks today. I will be glad to continue to talk with him to see if we can find common ground. We ought not to be in this gridlock on what I still consider to be a side issue from the main business of this Department: protecting the security of the American people.

As the Senator from Utah said, we never want to give the impression we do not think the employees who will move to this Department are as concerned about homeland security as we and the rest of the American people are. In fact, the evidence before us is quite ample that Federal employees are concerned.

The stories are legion and numerous of Federal employees—I think of FEMA employees—they were somewhere else and they rushed to the Pentagon to be of help; they flew to New York; they worked hours and hours of overtime. Of course, the most vivid demonstration of the way in which union membership is not inconsistent with national service or sacrifice is the firefighters in New York, several hundred of whom were off duty on September 11. When they heard what had happened, they just rushed to the scene. Nobody was thinking about whether this was supposed to be a day off under the collective bargaining agreement, what risks they were assuming, or they were going to be asked to do things that were not quite in their job description. Needless to say, a lot of them not only rushed into the building, but they never came out.

I hope we can find common ground. I offer anything I can do to supplement the extraordinary positive work of the previous triumvirate I mentioned, Senators NELSON, CHAFEE, and BREAUX, to get over this last big hurdle and get this bill adopted in the Senate, get it to a conference with the House, and then get it to the President's desk for signing.

Mr. LEAHY. Mr. President, I do not want to interrupt.

Mr. LIEBERMAN. The Senator's timing is good. That was the windup sentence.

Mr. LEAHY. I wonder if the Senator will yield to me? I wish to discuss another aspect of the war on terrorism, and that is what we can do through the Justice Department. I wonder if the President will allow me to speak about that.

Mr. LIEBERMAN. I will be happy to do so. I thank the Senator for coming to the floor and look forward to his remarks.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Vermont.

DEPARTMENT OF JUSTICE AUTHORIZATION

Mr. LEAHY. Madam President, I know we are getting down toward the end of the session and sometimes legislation falls by the wayside, but I have seen something in the last couple of days different from anything I have seen in 28 years in the Senate.

Last Thursday the other body passed the Department of Justice Appropriations Authorization Act and we filed a bipartisan conference report. I mention this because it has been 20 years since there has been such an authorization act for the Department of Justice because it has been so hard to bring people from across the political spectrum together. The House passed this conference report—by a vote of 400 to 4. I am not sure the way things are these days that we could get a vote of 400 to 4 to agree the Sun rises in the east and sets in the west.

The very same day I checked with every single member on this side of the aisle, every Democrat, and asked if they were willing to have it pass the Senate by voice vote, if need be, or a rollcall vote—it does not make any difference, but to pass it.

Every single Democrat—the distinguished Senator from Connecticut, myself, everybody else—agreed, yes, sure, go ahead and pass it. We were told there is an anonymous hold on the Republican side. This bipartisan legislation to authorize the Department of Justice is blocked—legislation to strengthen our Justice Department and the FBI that by agreement of all Members across the political spectrum will increase our preparedness against terrorist attacks, but also prevent crime and drug abuse in our cities and in our rural areas. It improves our intellectual property and antitrust laws. It would strengthen and protect our judiciary. It would give our children a safe place to go after school.

This legislation is as motherhood as one could imagine and yet the Republicans have said, no, even though the Republican-controlled House passed it 400 to 4. And even though every single Democrat in the Senate is ready to vote for it, the Republicans have said, no, we want to put an anonymous Republican hold on it and not allow it to go forward, years of work by both the Republicans and Democrats. This bill not only has my support in the Judiciary Committee, it has Senator HATCH's support. It has the support of Chairman SENSENBRENNER in the other body, as well as Representative HYDE. Every one of the House and Senate conferees, Republican and Democrat, signed the conference report. That conference report includes significant portions of at least 25 legislative initiatives, all to be flushed down the drain by a Republican hold.

When people go home this year to campaign about why they want to stop drugs in their schools, why they want to fight terrorism, why they want their courts strengthened, why they want the Attorney General of the Department of Justice to be able to be strengthened in their fight, let them point out that the reason it was not done was a Republican Senator who wants to do it anonymously. They do not even want to step forward and say who he may be.

For too many years, Republican and Democrat administrations have allowed the Department of Justice to escape its accountability to the Senate and the House of Representatives and, through them, to the American people. Congress, the people's representatives, have a strong constitutional interest in restoring that accountability. The House has recognized this. It has done its job. We need to do ours. Senate Democrats are prepared to proceed. Senate Republicans apparently are not. So let me tell you some of the things that are in this bipartisan conference report.

First, the conference report provides Federal, State, and local governments with additional tools to battle terrorism. It fortifies our border security by authorizing over $20 billion for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration. It authorizes funding for the Centers for Domestic Preparedness in Alabama, Texas, New Mexico, Louisiana, Nevada, Vermont, and Pennsylvania. It adds additional uses for grants from the Office

of Domestic Preparedness to support State and local law enforcement agencies.

Why would anybody on the Republican side oppose that? Another measure in the bill would correct a glitch in a law that helps prosecutors combat the international financing of terrorism. I worked closely with the Bush White House to pass this provision in order to bring the United States into compliance with a treaty that bans terrorist financing—and this is something the Bush administration wants—but without this technical, noncontroversial change, the provision may not be usable. As the President has pointed out, this law is vital in stopping the flow of money to those who would harm Americans. Every Democrat is ready to pass that. It is something President Bush has asked for in his fight against terrorism. Every single Democrat in this body is ready to vote for it, but the Republicans are blocking it from going forward.

Worse yet, at a time when the President is going before the U.N. emphasizing our enemies are not complying with international law, by blocking this minor fix—something the President has asked for, something every Democrat is ready to vote for, only the Republicans are blocking—we are leaving ourselves open to a charge that we also are not in compliance with an important antiterrorism treaty.

Secondly, this conference report improves our law enforcement efforts. Among other things, it pushes the FBI to reform its outdated computer system. Right now it is something that kids in school 10 years ago had better computer systems. It provides danger pay for FBI agents performing hazardous duty abroad. It provides for increased sentencing enhancements when criminals use body armor in crimes of violence or drug trafficking crimes, something for which every single police agency I have talked with from New York to Texas has asked.

I am told the administration supports this and every single Democratic Senator supports this, but it is blocked by the Republicans.

It includes Senator CARNAHAN's Law Enforcement Tribute Act, which authorized grants to States, local governments, and Indian tribes for memorials to honor those who were killed or disabled while serving as law enforcement safety officers. It has the Feinstein-Sessions James Guelff and Chris McCurley Body Armor Act. That is blocked. These are things that had overwhelming Republican and Democratic support, still has unanimous Democratic support but is blocked by the Republicans. I believe the conference report the Senate Republicans are blocking could help prevent crime from occurring in the first place. We reached a bipartisan agreement to give the Boys and Girls Clubs the funds they need to establish 1,200 additional clubs across the Nation. As a former prosecutor, I know how valuable these are to prevent crime from happening in the first place, to give teenagers and youngsters a place to go.

Just last week, I joined with Senator HATCH at the Boys and Girls Club congressional breakfast honoring regional youth of the year and also honoring Senator STROM THURMOND. Republican Senator after Republican Senator praised the work of the Boys and Girls Club, as did I, but now some Republican Senators are anonymously holding up the authorization for the money for the Boys and Girls Club.

Senate Republicans are also blocking funding that will put an additional Assistant U.S. attorney in every district in the Nation to implement the President's Project Safe Neighborhoods Initiative aimed at preventing school violence. The President goes out and speaks in favor of this. I happen to agree with the President on this. Everybody agrees with him, and now, when doing what the administration has asked for, we put these assistant U.S. attorneys in there, but that is not going anywhere. Every single Democratic Senator supports it. An anonymous Republican hold blocks it.

The conference report strengthens our efforts to prevent domestic violence and protect its victims. By creating a new Violence Against Women Office in the Justice Department, we ensure an increased Federal focus on this tragic and recurring problem. I do not know why preventing domestic violence should be a partisan issue.

In my experience as a prosecutor, the police never said we have to determine whether this person who is beaten up in domestic violence is a Democrat or a Republican. You try to save the life of the person who is being beaten and to protect them.

This legislation also authorizes programs to reduce drug abuse and recidivism, from adult and juvenile courts, to increased funding for drug treatment in prisons, to funding for police training in South and Central Asia to reduce the flow of drugs into our Nation. All of these proposals are bipartisan. Actually, most of them were in the Hatch-Leahy Drug Abuse Education, Prevention and Treatment Act. Every Democrat is ready to vote for them, but we cannot because the Republicans have an anonymous hold.

The conference report contains a number of important intellectual property provisions that will help American innovators and businesses, both big and small. There is a probusiness provision, which includes the Leahy-Hatch Madrid Protocol Implementation Act that has been held up for over 1 year. Every single business organization in the country, big or small, has asked us to pass it. Every single Democrat has said they will vote for it. It is being held by an anonymous Republican hold.

This legislation would implement a treaty and allow American businesses to obtain ''one stop'' international trademark registration, a process available only to countries signatory to the Protocol. This would benefit American businesses and companies who need to protect their trademarks when they sell their goods and services in international markets, particularly over the Internet.

I hear from companies as large as IBM and Intel. They want this legislation, down to the little mom-and-pop manufacturers in my own State. I tell them all, every single Democrat will vote for that. It is in this bill, as 400 House Members of both parties voted for it. But I also tell everyone in the businesses that ask, it is being held up by an anonymous Republican hold.

Another important intellectual property provision is the Hatch-Leahy TEACH Act, to clarify the educational-use exemption in the copyright law and all educators to use the same rich material for distance material over the Internet as they use in face-to-face classroom instructions. The Presiding Officer represents one of the most beautiful areas in upstate New York, where I visit often. I think of my rural Vermont or rural Utah. This allows people in these small schools to be able to have access to what is available in the large metropolitan areas. Every Democrat will vote for it. It is being held up by an anonymous Republican hold.

The conference report has a provision modernizing Patent and Trademark Office specifically authorizing friends to augment the investigation and prosecution of intellectual property crimes of privacy online. There is no member of the business community that does not support it, from the largest to the smallest. Every Democratic Senator is ready to vote for it tonight. It is being held up by an anonymous Republican hold.

This conference report creates or extends 20 Federal judgeships. Those are more than all the judgeships created during the 6-plus years the Republican party controlled the United States Senate and blocked both Clinton administration judicial nominations and the creation of new Federal judicial positions. We have included new Federal judges in Arizona, Alabama, Texas, New Mexico, among others. I have heard repeatedly from our Republican friends that although they have blocked the creation of the judges during the previous administration, they want them now. I put them in. Every single Democrat is ready to vote for it and the Republicans are blocking. It is amazing. These judges we have needed for years, blocked during the last administration when the Democrats had the Presidency, now we put them in. I supported putting them in, from northern New York to Alabama. The Republicans say they want them. They will not be appointed by a Democratic president. They will be appointed by a Republican president. I don't know what is going on unless they want to make it look like we are holding this up. Every Democrat will vote for the new judges. But they are being held up by an anonymous Republican hold.

I do not want to hear bleeding and caterwauling from the White House or the political mouthpieces from the Department of Justice, asking, Where are the judges. All 50 Democratic Senators will vote for them, as 400 Republicans and Democrats in the House voted for them. It is being held up by an anonymous Republican hold.

The conference report prohibits mandatory arbitration in a motor vehicle franchise contract between manufacturers and automobile dealers, to the same effect as the Hatch-Feingold-Leahy-Grassley Motor Vehicle Franchise Contract Arbitration Act, S. 1140. That legislation has more than 60 cosponsors, Republicans and Democrats. The automobile dealers lobbied strongly for it. All 50 Democrats are ready to vote for it. Their friends on the Republican side are holding it up.

The conference report includes an amendment to the Radiation Exposure Compensation Act to expand eligibility for compensation for injured uranium miners, mill workers and ore transporters. Many Senators from western States, on a bipartisan basis, such as Senators DASCHLE, HATCH, JOHNSON, DOMENICI, strongly support these changes. We are all ready to vote for them. Republicans are holding it up.

Finally, the conference report includes several important immigration provisions to help underserved rural areas with a critical shortage of medical doctors. Women die in childbirth. Teenagers in an accident die because they did not get care. Older people do not get the preventive medicine they need. This allows foreign doctors who are educated in the United States to remain here if they will agree to practice in the underserved areas. It extends H–1B status for certain working aliens and makes it possible for children whose sponsoring parent has died to apply for citizenship, nonetheless. I don't need to tell the Presiding Officer, representing the great State of New York, there were children whose sponsoring parents died in this country.

These are all noncontroversial provisions, for all over the country. Every single Democrat Senator said they will vote for it. We cannot bring it to a vote because the Republicans have an anonymous hold. I would not feel as bad about the holds if the Senator holding it up would come forward and state why. Instead, it is a stealth hold. It is a ''during the night'' hold. It is the quiet, anonymous phone call hold that stops it. It repeats an unfortunate pattern of anonymous Republican holds on bipartisan legislation designed to improve our Nation's national security law enforcement, immigration policies, and judicial branch of the government.

I am sure my colleagues are tired of hearing how much I enjoyed my earlier career in law enforcement. For 8½ years I proudly carried a badge, proudly served as chief law enforcement officer of my county. We prosecuted a lot of people. We saw a lot of tragic situations. We helped a lot of people in cases of domestic violence, stopped crimes from happening. Those we were not able to stop, we oftentimes successfully prosecuted afterwards. I never recall anyone, either those in my office or any of the law enforcement agencies we talked about, whether we were dealing with a Democrat or Republican, asking whether someone who was beaten or killed was Democrat or Republican. You never asked a police officer if they were Democrat or Republican. No one asked when sending officers out to protect citizens, facing the potential of death, their political party affiliation. In working with my colleagues, both in the Senate and in the House, we did not look at this as Democrat and Republican. We talked about good law enforcement. That is why every single Democratic Senator has said they will vote for this bill.

Our caucus spans the political spectrum. I suspect if we were allowed to bring it to a vote, almost all of my colleagues on the other side of the aisle would vote for it, yet an anonymous hold is stopping this help to the law enforcement agencies, ranging from the smallest of our towns to our statewide law enforcement agencies, to our Federal law enforcement agencies. Nobody has spoken of any substantive question or issue of any provisions in this conference report. And there are not any. It passed the Republican-controlled house by 400–4.

It has been suggested the holds are merely partisan blocking to hold up legislative action and then blame the Democratic Senate majority for inaction created by Republican holds. I repeat, as I have over and over again on this bill, I have checked with every single Democrat Senator; we are ready to vote. We are all ready to vote.

If Republicans allowed this bill to come to a vote, it would pass immediately. It should have been passed last Thursday. We had an opportunity. Senator DASCHLE asked permission to pass it—Senator HATCH said we didn't each have to speak on it, we would put our speeches in afterward—asked to pass it by unanimous consent, but was told the Republicans objected.

For the sake of the Justice Department, the Congress, and the American people, we ought to pass it today. Twenty-one years fighting to get it, and here is what is in there: Combating terrorism, improving law enforcement, preventing crime, fighting drug abuse, enhancing intellectual property protection, strengthening the judiciary—adding 20 new judgeships and improving judicial disciplinary procedures—improving civil justice, and improving immigration procedures.

The irony is item after item was worked out with the support of the Bush White House. I spent an awful lot of time on this bill. A lot of my Republican colleagues spent a lot of time on this bill. And our staffs spent 10 times more time on this bill. I think somebody down at the White House, if they take time out from the fundraising and the campaigning, could take a couple of minutes to pick up the phone and call the party, the Members on the other side of the aisle, and say the criminal justice system needs this, the fight against terrorism needs this.

This is not just something abstract, this is real. Let's pass it. That is why the Republican-controlled House passed it. I am sorry my friends on the Republican side of the aisle are blocking it. I hope when they think about it, they will come to their senses and let it go through.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. CLINTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, it is my understanding we are in a period of morning business; is that correct?

The PRESIDING OFFICER. The time for morning business was to have expired at 5:15.

Mr. REID. Madam President, I ask unanimous consent that the time be extended until 6:45 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

HOMELAND SECURITY

Mr. NELSON of Nebraska. Madam President, as we enter our 5th week of debate on this Senate floor on the homeland security bill, I rise today to ponder exactly where we have been, and, perhaps much more importantly, where we are going.

In recent weeks, Democrats and Republicans have made little progress on the bill. Some have identified particular provisions they would like to have changed; some have not. The President offered his own proposal for consideration, and, as the RECORD will reflect, the Senate obliged him by allowing it to come to the floor for consideration.

My good friends, Senator GRAMM of Texas and Senator MILLER of Georgia, are championing the President's bill. He could have no two more noble or respected Senators as his gatekeepers.

Let me describe for you what this bill does. It will establish a new Federal