''Child-welfare agencies can improve,'' Mattingly said, ''but it's hard work.''

To become more community-friendly, Children Services plans to hire more translators and workers who speak foreign languages, because of the growing diversity in the county. And it will create a committee of child-welfare workers, court officials and mental-health and addiction experts to help decide where to place children with severe behavioral and mental-health problems.

''We've had such great success with Family to Family, it's time for more-revolutionary changes,'' Saros said.

Sabrina Martin credits Family to Family with smoothing out her relationship with her daughters.

''I don't think we would have been able to get back on track without it,'' she said.

SUCCESS OF THE NAGORNO-KARABAKH PRESIDENTIAL ELECTION

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. SCHIFF. Mr. Speaker, on August 11, 2002, the men and women of Nagorno-Karabakh exercised their right to vote—a right which we have cherished for more than two centuries and a right that we hope will spread across the world.

Democracy, Mr. Speaker, is at the core of our existence as a nation, and democracy and democratic values are what we fought for in Europe during two World Wars and are continuing to fight for in the war on terrorism.

As freedom loving people who stood up against tyranny, we have a duty to applaud and support others who aspire to the principles that resulted in the Declaration of Independence and the Bill of Rights.

Mr. Speaker, on August 11, 2002, the people of Nagorno-Karabakh re-elected President Arkady Ghoukassian by a majority vote in what the independent election observers from the United States, Russia, Great Britain, France, Italy and Armenia called a free and transparent election.

The independent international observers, who monitored the election and the subsequent vote count, included a number of acting and former parliamentarians, former diplomats, foreign policy experts, and representatives of non-governmental human rights organizations. In addition, journalists from the United States, Russia, France, Spain, Great Britain and Armenia covered the course of the election.

The democratic presidential election of Nagorno-Karabakh, with an impressive 76 percent turnout, is evidence of the people's adherence to Western values and its determination to form a civil society and organize its affairs through a representative body based on the rule of law.

Observers from the British Helsinki Human Rights Group, which had observed 85 elections within the jurisdiction of the Organization of Security and Cooperation in Europe, stated that the election in Nagorno-Karabakh had surpassed many elections internationally recognized and approved by the OSCE and the Council of Europe, in particular, the elections in Bosnia and Kosovo.

The five independent observers from the United States, which included former high-ranking foreign service officers and foreign policy experts, were extremely impressed with the election process and the people's resolute determination to live in freedom. One observer described it as ''an impressive exercise in democracy.''

Mr. Speaker, last summer I visited Nagorno-Karabakh and saw first-hand the harsh yet dramatic terrain of Nagorno-Karabakh and the rugged individualism of its people and leadership. Their compassion and conviction to forge ahead despite the difficult challenges was reminiscent of our founding fathers, who when faced with the choice of liberty or tyranny fought to live in freedom.

The people of Nagorno-Karabakh continue to live with the daily reminders of the war—landmines, collapsed buildings, and the noticeable absence of fathers, brothers and sons. Yet, they have chosen to rebuild their lives and their towns so their children will live in freedom.

Congratulations President Ghoukassian and congratulations to the people of Nagorno-Karabakh for your spirit and your commitment to freedom and democracy.

TRIBUTE TO STERLING HEIGHTS FIREFIGHTERS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. LEVIN. Mr. Speaker, September 11, 2001 stands as a stark reminder of the valor, commitment, and sacrifice exhibited every day by firefighters and law enforcement officers throughout our nation. Like so many others in public life they serve the community, but they do so at great risk of peril to their own health and lives.

I am particularly pleased and proud to rise today in recognition of the careers of two distinguished firefighters from Sterling Heights, Michigan upon their retirement and as they embark upon a new phase of their lives.

Training Chief Rick Williams began his firefighting career in 1978. Since then, he has obtained numerous certifications ranging from appointment of Chief of Training in 1996, to receiving the Fire Chief's Award in 2002 for presenting the Fire Department's annual report and conducting many public education programs.

Fire Inspector John Vought was appointed a firefighter in 1978, and has received many certifications from receiving the Outstanding Firefighter of the Year Award presented by the Sterling Heights Elks Club in 1992 to the Meritorious Unit Citation for the rescue of three children from a house fire in 1989.

We are indeed grateful for the service that these two individuals have provided the community and the citizens of Sterling Heights over their long careers. They have served the public well and have received many letters of thanks and commendation from the community in response.

Mr. Speaker, I ask my colleagues to join me in thanking these men and wishing them a healthy and happy retirement.

THE NEW YORK SPECIAL JOINT SESSION OF CONGRESS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. NADLER. Mr President, Mr. Speaker, today marks a historic occasion for New York and for the United States Congress. This is the first Congress that has convened here in New York since the First Congress convened here to watch President Washington take the oath of office and to pass the Bill of Rights.

We join here today not as Republicans or Democrats, but as Americans. The symbolic gesture of our joint meeting is both solemn and celebratory.

It is solemn because we come here today to honor a city devastated by the most terrible single attack on American soil in our history, and the thousands of innocent people lost in that attack. As the elected Representative for the area of New York most directly impacted by the attacks of September 11, 2001, I can tell you that my constituents are grateful for the act of solidarity with New York that we show here today. I can also tell you that they are even more grateful that Congress has rallied to help this City for the past year.

Our joint meeting today is also celebratory. One year ago, a group of vicious and heartless terrorists sought to cripple this city and this country by obliterating one of its great landmarks. It was their hope that not only would thousands be rendered lifeless, but that our way of life, our democracy, would be extinguished. Today, we celebrate the life and vibrancy of our democracy that still lives—and do so in a city that remains the most lively, diverse, and mighty on the face of the earth, despite the worst efforts of those terrorists.

It is only right that we seek out those who sought to destroy us. But bombs and bullets are merely the tools we use in our self-defense. Revenge against our foes will come not through bloodshed, but through acts defiant of their goals. For the last year, despite the aim of the terrorists to kill our national spirit, this nation has proudly and defiantly displayed the flag from our homes, our cars, our community centers, and our houses of worship. Despite the murderous foes who sought to divide us, our people have joined in concerts celebrating our country and its ideals, and vigils marking our unity.

Over two centuries ago, after stumbling through a government under the Articles of Confederation, with most of the world wishing to see our demise, we gathered here, defiant of the world and its wishes, resolved to make our great democratic experiment work. It is only fitting then, that we stand here again defiant of those who wish for our demise. Let there be no doubt, today we are telling the world that New York lives on, America lives on, and her ideals live on!

MISSLE DEFENSE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. SCHAFFER. Mr. Speaker, I respectfully submit the following correspondence for the

RECORD regarding America's security. It conveys my objections to the Defense Science Board's recent report favoring a ground-based over a space-based missile defense system. As America stands in the face of growing threats of long-range ballistic missile attack, I consider the subject matter particularly timely.

HOUSE OF REPRESENTATIVES,
September 25, 2002.

Re ''Missile Defense Choices Sought''—Defense Science Board

Congressman BOB STUMP,
Chairman, House Armed Services Committee, House of Representatives, Washington, DC.

DEAR BOB: A troubling Washington Post article appeared on September 3, 2002 relaying the principal points of a study conducted by the Defense Science Board to develop the architecture for the ballistic missile defense program of the Bush administration. Evidently under pressure to focus the program on achieving a narrow set of initial capabilities to reach deployment—believing this narrow focus to be the key to building a defense in an evolutionary approach—the Defense Science Board has discredited itself in embracing the plans and architecture for a ground-based defense while ignoring the advantages and feasibility of a space-based defense.

Its program has already redefined the architecture of the Bush administration's ballistic missile defense. It is becoming less a product of the president's well-stated vision on missile defense and more a carryover of the plans and programs of the preceding Clinton administration, which focused on building a limited defense comprised of ground-based interceptors deployed at a site in Alaska. It would have the potential for adding new sites.

With the exception of deploying the interceptors in Alaska rather than near an ICBM field or Washington D.C., it is a program for building an ABM Treaty-compliant defense, notwithstanding the Bush administration's withdrawal from that treaty. In its treatment of theater missile defense programs, the Board seems to be abandoning the comprehensive architecture articulated by President Bush in deference to the planning of the Clinton administration that sought to develop a reduced number of theater missile defense programs, although it hopes to utilize Navy Theater Wide in a national missile defense.

The Defense Science Board is presenting a conclusion made after the fact. It is not a study of ballistic missile defense architectures. It is a study supporting the decision of the previous Clinton administration to build an ABM Treaty-compliant defense with the exception of deployment in Alaska.

Such a defense would be expensive and relatively ineffective. The Clinton administration was fully aware its decision to build a ground-based, as opposed to a space-based defense, would result in forfeiting the technical advantages that accrue from deployment in space.

The Clinton administration adhered to the strategy of Mutual Assured Destruction introduced in the 1960's by Defense Secretary Robert McNamara. Mutual Assured Destruction required that the United States leave itself vulnerable to destruction carried by ballistic missiles to support Clinton's decision not to deploy a national ballistic missile defense. Under Mutual Assured Destruction, the ballistic missile assumed the role of an ultimate, indestructible weapon.

As often happens to pet theories, the continued viability of Mutual Assured Destruction was viewed as more important than the defense of the American people. It became more important for ballistic missiles to remain indestructible than to build a defense against those missiles. Mutual Assured Destruction thus created and reflected a wellspring of opposition toward the development of ballistic missile defenses and advanced technology for space.

Mutual Assured Destruction reflected a belief commonly held by ''arms control'' advocates that slowing down the pace of technological development would slow down the arms race. As the deployment of a ballistic missile defense would involve the application and development of advanced technology, especially technology for space, it would be criticized by those who wanted to ''demilitarize'' space, leaving space as an open avenue for ballistic missiles to carry weapons of mass destruction.

As feared by ''arms control'' proponents, the deployment of a space-based ballistic missile defense called for by President Reagan's Strategic Defense Initiative resulted in a technological surge, which benefited the economy while providing improved defensive capabilities. The development of space spurs the development of new technology. However, rather than create a new arms race, the Strategic Defense Initiative helped end the Cold War, and provided a new focus on the development of precision weapons rather than the construction of more weapons of mass destruction.

Mr. Chairman, the Defense Science Board has limited discussion as to how and why the Clinton administration decided to support the deployment of a ground-based over a space-based defense. Moreover, it has not questioned why, or even whether, the Bush administration has consented to Clinton's philosophy on this important matter.

In reaching their decision to support the deployment of a ground-based over a space-based ballistic missile defense, the Board is ignoring the revolutionary advantages provided by a space-based defense, which include global coverage, a boost-phase interception capability, and multiple opportunities for intercepting a missile.

You are aware, of course, how in 1993 the Clinton administration implemented its vision to take the stars out of ''Star Wars'' by terminating the Brilliant Pebbles space-based interceptor after it was fully approved as a Major Defense Acquisition Program in 1991, and cutting the Space Based Laser Program when it had reached a stage of technological maturity, enabling it to be considered for deployment. In 1995, three contractors prepared an estimate for building a Space-Based Laser defense, clearly indicating its technological feasibility.

Space-based ballistic missile defenses have been feasible for years, and would be more effective and less costly than a ground-based defense as noted by former SDIO Director Ambassador Henry F. Cooper and others. The Defense Science Board, however, focused on building a narrow set of initial capabilities in order to achieve deployment, which apparently stemmed from a belief that a ballistic missile defense must be built as an evolutionary capability, virtually precluding the use of space-based defenses.

Despite the protestations of the Clinton administration in presenting its 3+3 plan to develop and deploy a national missile defense that would be ABM Treaty-compliant requiring the use of ground-based interceptors (and which would cost only $5-6 billion, less than the Strategic Defense Initiative Organization's estimate of $22-24 billion in Fiscal Year 1991 dollars for an initial deployment of ground-based interceptors at a single site), the Congress is now facing the ramifications of having bought into narrow plans to build a ground-based interceptor defense.

To respond to issues surrounding the cost of a ground-based defense and its effectiveness, which should invite considerable comment and discussion, the Defense Science Board is presenting as a conclusion that a ground-based defense is the only feasible architecture, and requires an evolutionary approach that starts by focusing on achieving a narrow set of initial capabilities—the deployment of a very limited defense. The article noted the findings of the Defense Science Board seemingly reflected the thinking of Air Force Lt. Gen. Ronald Kadish, Director of the Missile Defense Agency. It was not an independent review, apparently.

Essentially, the findings of the Defense Science Board were pre-ordained by the limitations of the ABM Treaty, including those limitations unilaterally placed on U.S. ballistic missile defense programs by those who wished to liberally apply the treaty. The limited capability of a ground-based interceptor defense requires that its progress be measured by an evolutionary approach with a narrow set of initial capabilities.

By expressing a belief that a ballistic missile defense must be built in an evolutionary approach where a network is assembled ''a piece at a time when it's ready,'' the feasibility of building a ballistic missile defense was redefined to accommodate the special views of General Kadish. This approach engenders itself to the construction of a single site of ground-based interceptors where additional sites could be added a piece at a time as their construction is finished. However, it is an inappropriate abridgement of design, reflecting an inherent bias against space.

To illustrate the differences in initial capability between deploying an evolutionary ground-based defense over a revolutionary space-based defense, the two defenses may be contrasted in terms of the capability that would result from an initial deployment. The ground-based approach would first call for deploying perhaps 100 interceptors at Alaska. This defense would provide limited protection against ballistic missiles coming in over the North Polar Region, presumably originating from North Korea. It may result in the defense having two shots at a missile during the mid-course phase.

In contrast, an initial deployment of 1,000 Brilliant Pebbles could provide global coverage, have a potential boost phase interception capability, and offer repeated shots at a missile—more than two in a shoot-look-shoot sequence.

In addition, a Brilliant Pebbles defense would be capable of intercepting ballistic missiles of all types—long, intermediate, and short-range down to ranges of about 300 miles—in even theater defense applications. This same capability for theater defense would not exist for the ground-based interceptor defense.

Alternatively, an initial deployment of 12 Space-Based Lasers could provide global coverage, boost-phase interception, and a powerful ability to discriminate decoys during the mid-course phase not duplicated by a ground-based defense. Similar to Brilliant Pebbles, Space-Based Lasers could engage ballistic missiles of all types, down to ranges as short as 75 miles. Either space-based defense—Brilliant Pebbles or Space-Based Lasers—would provide a broader set of initial capabilities than the initial deployment of 100 ground-based interceptors in Alaska.

I repeat the observation that Brilliant Pebbles had been fully approved as a Major Defense Acquisition Program in 1992. Progress on the Space-Based Laser was close behind but only lacked funding—the 1995 proposal for building a Space-Based Laser defense being one sign of its technological maturity. The principle should be clear. Deployment in space leverages the advantages to be obtained in an initial deployment. It provides a broader set of initial capabilities than can be

achieved by a ground-based defense, and the technology has been feasible for years.

Another key principle for building an effective defense needs to be discussed—multiple layers, preferably capable of independent operation. An evolutionary ground-based defense can do very little to build a multiple layer defense. It may build larger, faster interceptors to attempt boost phase interception, and may build more sites. It lacks, however, the inherent advantages of a space-based defense where it can engage a missile during its boost phase and entire mid-course phase. In addition, a ground-based defense lacks the ability to use high-energy lasers and particle beams to intercept ballistic missiles during their boost phase, discriminate decoys, and for particle beams, internally destroy the warhead elements during the mid-course phase.

A key difference needs to be noted in how a space-based defense can use a distributed architecture for the command and control of independent, yet coordinated, layers, instead of requiring a centralized approach used in a ground-based defense. Unlike a ground-based defense, a space-based defense provides an autonomous operation capability, taking advantage of advances in computers. This type of architecture would be less susceptible to countermeasures directed against a centralized command-and-control center.

In addition, a space-based defense using Brilliant Pebbles and Space-Based Lasers would provide a complementary ability between the different layers. Space-Based Lasers could provide Brilliant Pebbles with key mid-course phase-discrimination information. Brilliant Pebbles could provide a mid-course phase defense capability. This multiple-layer defense employing different technologies and lethality mechanisms would be harder to defeat than a defense comprised solely of ground-based interceptors. Adding a layer of particle beams, which would provide a third method of lethality against ballistic missiles, would further improve the robustness of the defense.

The use of space for defense, science, or commercial purposes is an issue that transcends party line or division. It is neither Republican nor Democratic. The current ambiguity in administering the Missile Defense Agency compared to the Strategy Defense Initiative begun by President Reagan should be proof. Space is a broad and encompassing issue, including vision for its use and the development of technology. As noted, the development of space spurs the development of technology. A pro-space policy will necessarily support the development of advanced technology, benefiting the economy.

That the Missile Defense Agency and Defense Science Board are unable to advance the advantages and feasibility of a space-based defense after the United States developed Brilliant Pebbles and Space-Based Laser technology, and considering the over forty years experience the United States has had in developing space systems, is a statement of policy that opposes the use of space. The technology has existed for a decade to build a highly effective space-based ballistic missile defense. This policy of opposition to space may reflect a belief unable to comprehend a systems approach in building a multiple-layer defense, and unable to comprehend the revolutionary development of space-based defenses. Either omission is inexcusable.

The issues facing Congress over the deployment of a ballistic-missile defense transcend party line. The issue is space—whether Congress will confront the failings of the past administrations to develop space-based defenses. To remain silent is to tacitly embrace a policy of technological and military mediocrity, allowing the United States to be overtaken by China, which has made no secret of its ambitions for space, seeking to claim it as its ''fourth territory'' and making plans to build a space station and colonize the Moon.

Since the end of the Strategic Defense Initiative nearly a decade ago, the progress of the Ballistic Missile Defense Organization and Missile Defense Agency in deploying ballistic-missile defenses has been feeble. After nearly ten years, all that has come out is an initial deployment of PAC–3, a short range interceptor. Israel has benefited more from the Strategic Defense Initiative than the United States, achieving an operational deployment of the Arrow. This sad state of affairs will continue as long as the United States has no bold vision to put a ballistic-missile defense in space.

The United States will continue to develop an inferior ballistic-missile defense as long as it chooses to ignore the inherent and invaluable benefits of space. Its ballistic-missile defense programs will continue to swirl in controversy and increase in cost. More studies and more reviews will be created to answer an endless stream of questions, and demonstrate the seeming inability of the Missile Defense Agency to decide upon a final architecture, being unable to reconcile itself to taking advantage of the benefits that accrue from deployment in space.

The Defense Science Board supports the idea of building a ship-based ballistic missile defense—Navy Theater Wide. It concluded, however, that for Navy Theater Wide to participate in a national missile defense, it needed to develop a much faster interceptor than the Standard Missile–3. This solution, however, apparently neglected how Navy Theater Wide was an application of the LEAP (Lightweight Exo-atmospheric Projectile) technology developed for Brilliant Pebbles. Navy Theater Wide was an application of technology developed for a space-based defense! Had this understanding been present, the technical solution would have been clearer and more elegant.

The Defense Science Board should have recommended a restart of Brilliant Pebbles attended with a program for developing a second-generation Brilliant Pebbles that would reflect a new emphasis on miniaturization. The miniaturization of Brilliant Pebbles made it possible for LEAP technology to be applied to the Navy for ballistic-missile defense. Going back to the origin of Navy Theater Wide—going back to space—would provide a better solution than attempting to force the Navy to accommodate a more muscular interceptor. While some degree of effort would be needed to develop a faster interceptor, miniaturization of the payload would simplify that problem, and provide spin-offs into other ballistic missile defense programs using hit-to-kill technology.

The article is grossly misleading in saying, ''work on space-based systems has remained beset by technical problems and congressional opposition.'' While there is little doubt about the technical challenges involved in developing space-based defenses, the article does not impart how space based ballistic missile defense technology was developed a decade ago. Both Brilliant Pebbles and the Space-Based Laser were noted for being well run programs. Space-based defenses have not been deployed because of opposition to the use of space as a matter of policy, not feasibility.

Notably, the article quoted one informed source as saying, ''If you're going to meet the guidance to get something deployed, you're going to have to do some things faster than most of the panel thought that space-based could be done.'' However, as Brilliant Pebbles was approved for acquisition a decade ago, the correct statement is that a deep prejudice exists against the use of space for ballistic-missile defense, blinding even members of the scientific community who would not come to terms with the fact that space-based defenses were ready to move into their acquisition phase a decade ago. The question of whether space-based defenses could be deployed was settled years ago. The United States simply does not wish to defend itself using the advantages of a space-based defense.

It was very shocking that the Defense Science Board remained silent, unable to oppose the apparent plans of the Missile Defense Agency to disassemble the infrastructure and technology for the Space-Based Laser. The lack of professional integrity is most disturbing. The Missile Defense Agency deserves the very harshest of criticism for its plans to eliminate two decades of technological progress in building a highly effective defense, using Space-Based Lasers. It would ordinarily be thought that scientists would support science and technology, rather than remain voiceless over a deliberate regression.

Furthermore, it is unusual the Defense Science Board was unable to offer any opinion or suggestions for the technical difficulties encountered in completing the development of the Navy Area Wide interceptor, particularly its forward-looking fuze incorporating an infrared seeker and short-range radar. Some type of technical opinion would have been in order.

In conclusion Mr. Chairman, nearly two decades ago the Strategic Defense Initiative investigated and developed a number of different technologies for ballistic-missile defense. It studied the architecture of various ballistic-missile defenses. The results favored the deployment of space-based defenses, and recommended a multiple-layer approach involving technologies such as Brilliant Pebbles and Space-Based Lasers. Other technologies showed promise, including high-energy particle beams. While a ground-based defense would form a final, reserve layer, the front lines of the defense would be found in space.

On the contrary, the advent of the Clinton administration and its opposition to space-based defenses from a Democratic-controlled Congress of ten years ago wrought a perilous error of strategy as the United States turned its back on space. Instead of pursuing a space-based defense with Brilliant Pebbles, Space-based Lasers, and developing other advanced technologies, the United States chose to chase its tail around the deployment of an expensive and relatively ineffective ground-based defense, seeking to find refuge in the ABM Treaty and Mutual Assured Destruction.

This error of strategy haunts us today. Despite the bold and perceptive public pronouncements of President Bush, others in his administration seem to be moving us in a different direction evidently beholden to the programs and policies of the Clinton administration. I am inclined to believe our president would prefer something other than a technological regression of U.S. defense capabilities, not the recommendation to turn America's back on using the advantages of space for a ballistic-missile defense. This is unconscionable when the United States faces an increasing threat from ballistic missiles. Space, not the ground, is the battlefield of the ballistic missile. We must place our defenses in space. In so doing, we will realize the defensive advantages that accrue from space, and the development of a space-based defense will spur the development of

advanced technology, benefiting the economy.

Very truly yours,

BOB SCHAFFER,
Member of Congress from Colorado.

A TRIBUTE TO AMBASSADOR NECDET KENT OF TURKEY, HOLOCAUST HERO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. LANTOS. Mr. Speaker, it is with deep sorrow that I rise today, after learning of the passing of Ambassador Necdet Kent on Friday, September 20, at the age of 91. Ambassador Kent was a Turkish diplomat who served with distinction at many posts. Between 1941 and 1944, he was posted as deputy consul in the Turkish Consulate-General in Marseilles, France. He used that position to bestow Turkish citizenship on—and thereby save—dozens of Turkish Jews who were resident in France and otherwise lacked proper identity papers to prevent their deportation to Nazi gas chambers. Most of those Jews had left Turkey years earlier with no intention of returning but technically had remained Turkish citizens. Necdet Kent exploited their all-but-lapsed Turkish citizenship to stay their execution and spare their lives.

On one occasion, Kent boarded a train bound for Auschwitz after Nazi guards refused to honor his demand to allow all its passengers—some 70 Turkish Jews—to disembark. At subsequent stops, Nazi officials tried to persuade Kent to leave the train, assuring him that its passengers were not real Turks but merely Jews. Kent made clear that he and his nation made no such distinction, and he steadfastly refused to disembark without his fellow citizens. Finally, after an hour of effort to dissuade Kent from his course, the Nazi guards gave up. Apparently cautious not to create an international incident in this instance, the Nazis allowed the stunned Jews to leave the train with Kent and with their lives.

Mr. Speaker, Ambassador Kent had an uncommon love of humanity and an even more rare combination of moral and physical courage that saved many Jewish lives during the Holocaust. As a Holocaust survivor who was saved by the great Swedish diplomat Raoul Wallenberg, I am constantly mindful that I owe my life to that rare breed of humanity to which Necdet Kent belonged.

Although I never had the pleasure of meeting Ambassador Kent, I know from reading his words and seeing him in a documentary released last year that he was a very modest man—excessively so, in my opinion, since his modesty long precluded him from winning the widespread accolades that he so richly deserved. Necdet Kent was so special that he seemed unable to recognize his own extraordinary character. I recall his simple reply when asked how he summoned the courage to defy the Gestapo and board that Nazi cattle car with the 70 Turkish Jews, knowing that he could have been riding to his death. ''I'm a human being,'' he said. ''I couldn't do anything else.'' If only that statement were as true as it is humble, far more diplomats would have had the courage to behave similarly, and countless more lives could have been saved. Happily, towards the end of his life, Ambassador Kent received far more of the tributes and praise he earned, thanks mainly to the aforementioned documentary, called ''Desperate Hours.''

Mr. Speaker, Ambassador Kent leaves this world with the admiration and gratitude of humanitarians, and particularly Jews, everywhere. I avail myself of this opportunity and urge all of my colleagues to join me in expressing deep condolences to the Turkish nation, to Ambassador Kent's family, and to the wider human family to which he belonged, on the loss of one of its noblest representatives—a man who, as a mere deputy consul, truly granted ''visas for life.''

SUMMARY OF DRAFT NUCLEAR WORKERS COMPENSATION IMPROVEMENT AMENDMENTS

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. STRICKLAND. Mr. Speaker, I include the following for the RECORD.

TITLE I—WORKER COMPENSATION BENEFITS FOR DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEES EXPOSED TO TOXIC SUBSTANCES

Overview: Title I revises EEOICPA Subtitle D (as currently enacted) to designate the Department of Labor (DOL) as the ''willing payor'' for disability claims for occupational illnesses arising out of employment at DOE facilities, instead of having the Department of Energy ''assist'' claimants with state worker compensation claims. DOL would evaluate disability and adjust payments accordingly. Without a uniform process to pay meritorious claims, it is possible that nearly half of the claims will have no ''willing payor.'' Payment would match FECA levels of benefits, and use the same administrative processes now used by the DOL for radiation, beryllium and silica claims. Payments come from EEOICPA Fund as direct spending. Eliminates MOAs with states.

Section 3662—DOE Physician's Panels (appointed by HHS) will determine causation, based on DOE's Final Rule issued August 14, 2002. Authorizes DOE to send meritorious claims for payment to the DOL, instead of ''assisting'' claimants with state worker compensation systems. Authorizes the DOE to provide medical tests and exposure assessments required by Physicians Panel, and requires outreach. Retains the portions of DOE's final rule that will continue to apply to these amendments. DOE will adjudicate disputes of adverse Physician Panel findings.

Section 3663—Authorizes DOL to administer payment of disability and medical benefits that have been approved by DOE's Physicians Panel. Claims administered using the FECA to set level of benefits for partial and total disability, plus medical and survivor benefits. Benefits paid from EEOICPA Fund as direct spending. DOL will adjudicate disputes over amount of payments and degree of disability, but not disputes over causation. DOL to expand list of organs or physiological systems covered in its existing FECA rules to address the DOE claims.

Section 3664—Claims administered through a non-adversarial system and no statutes of limitations (same as Subtitle B claims).

Section 3665—DOL will reduce payments by the amounts that are being paid in a state worker comp proceeding.

Section 3666—DOL cannot recover costs from a contractor, state or insurer for benefits provided in this Title.

Section 3667—Benefits are tax exempt and cannot be offset against certain other federal programs, such as housing and transitional assistance payments.

Section 3668—Benefits cannot be offset from private insurance policies.

Section 3669—Convicted felons forfeiture of benefits.

Section 3670—This will be an exclusive remedy against the U.S. government or a contractor acting in its capacity as an employer, except for intentional torts or state worker comp.

Section 3671—For claimants who have received $150,000 lump sum for an illness, and is disabled and wants to file under Subtitle D, they can receive wage replacement benefits reduced by the $150,000 lump sum. This would form a wrap around payment. However, claimants cannot collect two sets of benefits for the same illness.

Section 3672—Compensation and claims for compensation are exempt from claims of creditors.

TITLE II—AMENDMENTs RELATING TO SUBTITLE B OF THE EEOICPA (RADIATION, BERYLLIUM, SILICA)

Overview: This section adds two illnesses related to uranium and beryllium, provides a means for incorporating latest science for listing radiogenic cancers, provides for an ombudsman to assist claimants, authorizes expanded dates of coverage for beryllium and atomic weapons vendors where there is significant residual contamination and NIOSH has issued recommended dates of coverage, sets forth time limits on dose reconstruction and Special Exposure Cohort petitions, and makes some improvements to the NIOSH IREP Model.

Section 201—Adds chronic renal disease as a covered illness eligible for lump sum payments for workers employed for at least 1 year at a covered uranium facility. DOE will define what are ''covered'' facilities based on whether the facility processed, machined, forged or enriched uranium for the DOE. RECA Amendments of 2002 currently provides a lump sum benefit for uranium millers and transporters, and this would provide parity.

Section 202—Adds lung cancer to the list of covered beryllium diseases. If the lung cancer arose 5 years after first exposure to beryllium in the course of employment at a covered facility, claimant would be eligible for lump sum payment. Beryllium is classified as a known human carcinogen with respect to lung cancer.

Section 203—Sets 150 day deadline for NIOSH to complete dose reconstruction, and 180 day deadline for NIOSH to responding to Special Exposure Cohort petitions. Petitions are granted if NIOSH fails to act within 180 day time frame.

Section 204—Removes consideration of smoking in the NIOSH Compensation model, and requires NIOSH to adjust its compensation model to provide claimants with the benefit of the doubt where there is reasonable scientific evidence to justify compensation. Where there is scientific uncertainty, model is now neutral.

Section 205—Authorizes NIOSH to recommend to Congress additional radiogenic cancers for the Special Exposure Cohort. Provides for public review and comment.

Section 206—Authorizes expanded dates of coverage for beryllium vendors and atomic weapons employer facilities based on the findings of the NIOSH Report to Congress required in the FY 02 Defense Authorization Act. NIOSH is to assess whether the presence of residual contamination from DOE funded