United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, THURSDAY, SEPTEMBER 12, 2002 No. 115

Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

The PRESIDING OFFICER. The prayer today will be offered by the guest Chaplain, the Reverend F. Kenneth Hoffer, Mount Culmen Evangelical Congregational Church, East Earl, PA.

PRAYER

The guest Chaplain offered the following prayer:

Please join me in prayer.

Almighty God, we lift our thanks for Your guidance which has preserved our Nation, a nation ''under God,'' and for the peaceful continuity of government in America.

We look gratefully to the past, thanking You that from the foundations of America, You granted our forefathers courage and wisdom, as they trusted in You.

By their example to lead, guide, and direct, inspire the women and men of this Senate whom You have entrusted leadership to serve and wage the struggle to find peace and justice in our world. May they see Your vision and wisdom for the problems of this hour that we face as a nation.

Bless the Senators as they render dynamic leadership and thank You for all our leaders, diplomats, and military personnel. Let our resources be a strength to all, regardless of race, creed, faith, age, sex, or national origin.

May we work together toward peace, righteousness, and goodness for all peoples of all nations. We pray to You, O God. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 12, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. The Senate is going to vote on Timothy Corrigan to be a district judge for the middle district of Florida. Following disposition of that nomination, we will go to the Interior bill; that is, the pending Craig amendment. The Dodd amendment also has been offered. We hope there can be some resolution of the forest amendment. If we could do something about the fire suppression amendments that are around, the Craig amendment and there is another to be offered, we could resolve this bill quickly. It appears at this stage that has not been done yet.

After 2 o'clock, we hope there will be a couple of back-to-back votes. They have been cleared on this side and tentatively cleared on the other side to vote on the Thompson amendment and also on the Hollings amendment. That has not quite been done yet, but Members should understand there very possibly could be votes at 2 o'clock today.

Mr. CRAIG. Mr. President, will the Senator yield?

Mr. REID. I am happy to yield.

Mr. CRAIG. I think the leader has certainly appropriately explained where we are with the Craig-Domenici amendment and our efforts. We have met consistently over the last several days with colleagues on both sides of the aisle to see if we could strike a bipartisan agreement. At this time we are working with Senator FEINSTEIN and Senator WYDEN to see if we can come together so they can come to your caucus to determine whether we can pick up support in a bipartisan way.

We would like to have the remainder of the day to work. At the same time, I recognize the frustration holding up the Interior appropriations bill for this purpose. I think both the Senator and I recognize the critical character of what we are trying to do here—or the nature of it—in resolving this issue. If you can give us a little more flexibility, I think at some point—probably by the end of the day—we will know whether we can or cannot go any further.

Mr. REID. Mr. President, it is really a waste of the Senate's time to debate his amendment today and, further, we pretty well know the respective positions. Senator BYRD will be here to manage the bill this morning. I know he has an amendment to offer, as others do. Maybe there could be an agreement made to set aside the Senator's amendment, recognizing that it would be the matter before the Senate at any time you call it. We will try to work on something like that.

Mr. CRAIG. I appreciate the Senator saying that. I am certainly willing to look at that and allow other amendments that the chairman would think are appropriate to move on this amendment—to move without it being an obstruction.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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The Senator is right, this issue is defining it. I will probably want to speak on it, and others may want to do the same. We have at least a 2-hour timeframe to get some work done. I hope we can do it.

Mr. REID. Mr. President, I didn't mean to say that anybody speaking on the amendment is a waste of time. I meant to say there is no need to be speaking unnecessarily when we can do other things. If the Senator or people who oppose his amendment want to speak, that will be helpful to the Senate. What I am saying to the Senator from Idaho is, you don't need to maintain the floor to protect your rights, nor do we. I have received calls, as has the majority leader, from some Democratic Senators who believe there may be some ability to work out a compromise.

Mr. CRAIG. Good. I thank the Senator for saying that. I did not take that characterization in any critical way.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF TIMOTHY J. CORRIGAN, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will go into executive session to proceed to the consideration of Calendar No. 960, which the clerk will report.

The legislative clerk read the nomination of Timothy J. Corrigan, of Florida, to be United States District Judge for the Middle District of Florida.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided between the chairman and ranking member of the Judiciary Committee.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, how much time is available to the Senator from Vermont in his capacity as chairman of the Judiciary Committee?

The ACTING PRESIDENT pro tempore. Three minutes 40 seconds.

Mr. LEAHY. I thank the distinguished Presiding Officer.

Yesterday marked the first anniversary of the September 11 terrorist attacks on the United States. Americans, very appropriately, honored the memory of the brave men and women who died in that terrible time. Our thoughts were and are with those who perished that day, the loved ones they left behind, and the heroes who acted with fearlessness, bravery and hope.

The world has changed during the last year, but, fortunately, the principles on which this country was founded have not changed. I want to especially commend Chief Judge William Sessions of the U.S. District Court for the District of Vermont for proceeding with an immigration and naturalization ceremony in Vermont yesterday. What a wonderful gesture, granting citizenship to a new group of Americans and reminding us that we are a nation of immigrants and that our borders are open to immigrants who come to America seeking freedom, opportunity and a better life for their children. Whether our relatives came here for religious or political freedom in the 17th or 18th centuries, or to escape famine and persecution in the 19th and 20th centuries, many of us are descendants of those immigrants. Senator KENNEDY reminded us all earlier this year that immigrants are not the problem, terrorists are the problem. When the President appeared last night on Ellis Island, framed against the backdrop of the Statue of Liberty, that setting likewise reminds us that we are a nation of immigrants. Let this country, and what it stands for, always be a beacon of hope and freedom for the oppressed and downtrodden.

I am glad to see the President before the U.N. today. When our President speaks before the United Nations, we should not be looking at it as Democrats or Republicans, but as Americans. We want him, in his representation of our Nation and as our chief spokesperson on foreign policy, to be successful, and I wish him that success. I also appreciate his invitation to be there for the speech. Of course, our Senate votes will keep me here.

The Judiciary Committee continues working hard to make progress on judicial nominations and on legislation to respond to the new challenges that face our great nation. The Senate met on September 12 last year, and the Judiciary Committee held a business meeting on September 13. I kept the agenda that day to consensus items and bipartisan legislation. I felt strongly that we did not need partisan bickering but that we needed to come together and show that we can unite and that there is much that unites us all. We were able to report the first United States Attorneys nominated by President Bush. We worked on our bill to authorize the activities of the Department of Justice, a bipartisan drug use prevention, treatment and rehabilitation bill and the bipartisan Drug Competition Act.

That same afternoon we held a confirmation hearing for judicial nominations, including a judicial nominee from Mississippi. Just as we continued to meet and work in the immediate aftermath of the attacks on September 11, we also proceeded with hearings through and in the immediate aftermath of the receipt of the anthrax letters sent to Majority Leader DASCHLE and to me.

We worked hard to improve what became the USA PATRIOT Act with bipartisan support in the weeks that followed in September and into late October. In addition to our work on this landmark legislation, as well as continued oversight of the Justice Department, the FBI and the INS, we continued to hold judicial nominations hearings to help fill vacancies in our Federal courts with fair-minded judges.

We have now reported 80 judicial nominees out of committee. With today's confirmation of Judge Corrigan for the Middle District of Florida, we will confirm our 75th judicial nomination from President George W. Bush. We have confirmed more of President Bush's nominees in less than 15 months—75—than were confirmed in the last 30 months that a Republican majority controlled the Senate and the pace of judicial confirmations—73. We have also now confirmed more of President George W. Bush's judicial nominations since July, 2001—75—than were confirmed in all of 1989 and 1990, the first 2 years of the term of his father President George H.W. Bush—73.

As I have noted through the year, we could have accomplished even more with a modicum of cooperation from the White House. I regret that the administration and some Senate Republicans have been unwilling to acknowledge what we have accomplished in this regard but have, instead, chosen a strident posture and rejected our efforts toward bipartisan cooperation. The administration has chosen division rather than consensus with respect to its selection of Federal judges, which is unfortunate and unnecessary. The White House has insisted on sending forth a number of nominees who are divisive. Their records evidence judicial activism to reach ultra-conservative outcomes. Thus, in addition to reporting favorably 80 judicial nominees since the change in majority, the Judiciary Committee has, after a hearing and careful consideration, voted against reporting two nominations.

I regret that with respect to the important matter of our independent Federal judiciary, a matter that affects all Americans, the White House has chosen the path of partisanship. I regret that some in the White House and among Republicans would rather raise campaign funds and stir up their most extreme supporters than fill judicial vacancies quickly with consensus nominees.

Senate Republicans are running away from their own record. It is revealing that they refuse to make a fair comparison to the actual results during their most recent period of Senate control, which shows starkly how far we have come. Had they, in the 6½ years they were in the Senate majority, acted as fairly and as quickly on President Clinton and President Bush's judicial nominees as we have, we would have far fewer vacancies.

The truth is that we have done about twice as much as they. With today's vote, the Democratic-led Senate will confirm its 75th judge—exceeding the

number of circuit and district court nominees the Republican Senate majority was willing to confirm in the last 30 months of their control of the process. Democrats have done more than Republicans did in less than half the time. Likewise, in less than 15 months of Democratic control of the committee, we have held more hearings, for more nominees, and voted on more nominees in committee, and the Senate has confirmed more nominees, than the Republicans did in their first 15 months of control of the committee in 1995 and 1996.

That today the Senate will confirm the 75th judge since July, 2001, is indication both of what we have been able to accomplish and what could be accomplished with some cooperation from the White House and Senate Republicans. I have noted how simple procedural accommodations that I suggested would have already resulted in another 10 to 15 fewer vacancies and more confirmations.

Unfortunately, my efforts to increase cooperation with the White House have been rebuffed. We continue to get the least cooperation from any White House I can recall during my 26 years in the Senate. This is not the way to get judges through the Senate. Rather, with cooperation, with work, with something more than just words, nominees get through.

A New York Times editorial this week, on September 10, noted: ''We must fight the enemies of freedom abroad without yielding to those at home.'' We know that the terrorists are our enemy; they attacked all of us last September 11 and in the attacks that preceded it on U.S. embassies and the USS *Cole* and the 1993 World Trade Center attack. Republicans are wrong to try to make Democrats or the Judiciary Committee the enemy. We all want to ensure an independent and impartial Federal judiciary as a protector of our freedoms. Thus, ends-oriented, ideologically driven nominees selected to push the circuit courts and the law in a rightward direction are going to be scrutinized and may well be rejected.

I hope that, as we did in the days immediately following September 11, 2001 last year, we can come together and demonstrate unity. Since last July, we have greatly reformed the confirmation process and brought it out of the shadows and into the light of day. We now hold hearings, debate nominations, cast our votes, and abide by those votes. That was not the committee practice in the recent past, when secret holds and anonymous objections stalled scores of nominees by President Clinton. We have returned to the Democratic tradition of regularly holding hearings, every few weeks, rather than going for months without a single hearing. In fact, we have already held 23 judicial nominations hearings, including one the week of September 11, 2001, and others during the period in which committee offices and hearing rooms were closed because of the anthrax letters.

Yesterday I noticed our 24th hearing to be held next week. I intend to call Professor Michael McConnell of Utah as a nominee at that hearing. Despite the fact that the committee has already acted upon and the Senate has already confirmed Judge Harris Hartz last December and Judge Terrence O'Brien this April to the 10th Circuit, the first new 10th Circuit judges in 7 years, I will proceed with a third hearing on a 10th Circuit nominee at the request of Senator HATCH. The other circuit court for which we have held hearings on three nominees has been the 5th Circuit. There, we proceeded with nominees at the request of Senator LOTT and Senator HUTCHISON.

In addition, at the nominations hearing next week we will hear from District Court nominees from California, Delaware, New Jersey, Tennessee, and Texas. By proceeding next week we are able to proceed with a full complement of District Court nominees. That leaves only one District Court nominee with the support of home-State Senators and an ABA peer review who has not yet been scheduled for a hearing.

Today's vote is on the nomination of Judge Corrigan to the United States District Court for the Middle District of Florida. Judge Corrigan has an extensive career, serving as a general litigator in private practice for over 14 years and as a U.S. Magistrate Judge for the Middle District of Florida since 1996. He received a unanimous ''Well-Qualified'' rating from the ABA and has strong bipartisan support. While so many nominees of President Clinton had that rating but were never given a vote by the Republican majority, Judge Corrigan received a hearing and a vote within days of his file being complete in July.

The confirmation of Judge Corrigan today will bring additional resources to the U.S. District Court for the Middle District of Florida. Judge Corrigan was nominated to fill a new position Congress created by statute in 1999 to address the large caseload facing the federal courts in Florida. He makes the second Florida district court nominee that we will have confirmed in one week. I congratulate Judge Corrigan and his family.

During the Clinton administration, we all worked very hard in cooperation with Senators GRAHAM and Mack to ensure that the Federal courts in Florida had its vacancies filled promptly with consensus nominees and had the judicial resources it needed to handle its caseload. Due to bipartisan cooperation among the Senators and with the White House, during the Clinton administration, the Senate was able to confirm 22 judicial nominees from Florida, including 3 nominees to the 11th Circuit. It is most unfortunate that such tradition of cooperation, coordination and consultation has not been continued by the current administration.

My recollection is that the only Florida nomination that generated any controversy or opposition was that of Judge Rosemary Barkett of the Florida Supreme Court to the 11th Circuit. I do recall that Judge Barkett was strongly and vociferously opposed by a number of Republican Senators because of what they viewed as a judicial philosophy with which they did not agree. Those voting against her confirmation include Senators HATCH, GRASSLEY, MCCONNELL, SPECTER, and THURMOND, all of whom are now on the Judiciary Committee, as well Senators LOTT, NICKLES, and HUTCHISON of Texas. Judge Barkett received the highest rating of the ABA, ''Well Qualified,'' and yet 36 Republicans voted against her confirmation, but she was confirmed with bipartisan support, including the support of her home-State Senators. Indeed, there was extended opposition both before the Judiciary Committee and on the Senate floor.

Unfortunately, the cooperation, coordination and consultation that Senator Mack and Senator GRAHAM shared with the Clinton White House do not seem to be the model for the way this White House has chosen to communicate with Senator GRAHAM and Senator NELSON. That is most unfortunate. It is a tribute to Senator GRAHAM and to Senator NELSON that we have made the progress that we have. I know that it has not been easy. They have been more than gracious in their willingness to support these nominees. We urge the White House to work with these Senators to nominate qualified, consensus nominees for the remaining vacancies in the courts.

With today's vote, the Democratic majority in the Senate has demonstrated once again how it is fairly and expeditiously considering President Bush's judicial nominees. We have worked very hard to provide bipartisan support for the White House's nominations in spite of its lack of willingness to work with us in partnership.

Mr. HATCH. Mr. President, I rise in support of the confirmation of Tim Corrigan to the U.S. District Court for the Middle District of Florida.

I have had the pleasure to review Judge Corrigan's distinguished career and I can say, without hesitation, that his confirmation will bring to the Federal bench, not just a legal scholar with impeccable credentials, but a caring individual who used his many skills and talents to serve his community and his less fortunate fellow citizens.

Tim Corrigan graduated with distinction from Duke University in 1981, where he was a member of the editorial board of the Duke Law Journal. After graduation, he served as a law clerk to the Honorable Gerald B. Tjoflat of the United States Court of Appeals for the Eleventh Circuit.

Following his clerkship, Judge Corrigan spent 14 years in private practice with a prominent Jacksonville law firm, where he focused on civil litigation. He also engaged in a substantial appellate practice, including preparing

appellate briefs and delivering oral argument in several district courts of appeals in Florida, the Supreme Court of Florida, and the U.S. Court of Appeals for the Eleventh Circuit. Moreover, Judge Corrigan served as co-counsel in a case in the U.S. Supreme Court where he had a primary role in the preparation of the briefs.

Judge Corrigan became a U.S. Magistrate Judge in 1996. Because of the heavy caseload of the Middle District of Florida, the magistrate judges are entrusted with substantial responsibilities. Thus, in addition to handling a broad array of civil and criminal nondispositive motions, he has conducted numerous evidentiary hearings in criminal cases and issued many reports and recommendations regarding dispositive criminal motions. He has also exercised full jurisdiction over Federal civil cases, including a lengthy jury trial.

Judge Corrigan has published a number of legal writings and recently participated in a revision of the Middle District of Florida's Civil Discovery Handbook. He has also taught law school classes as an adjunct instructor.

Judge Corrigan has been recognized by the Jacksonville Bar Association for the many hours he has spent doing pro bono work. Throughout his career he has volunteered his time for the United Way, Big Brothers, the Special Olympics, the Jacksonville Area Legal Aid, and the Guardian of Dreams, an organization that provides scholarships to low-income students.

Judge Corrigan will make a fine member of the Federal Bench.

Mr. President, I wish to respond to some of the remarks of my colleague from Vermont about the Judiciary Committee's treatment of President Bush's judicial nominees.

My colleague from Vermont says that the Judiciary Committee has moved 80 nominees and only voted against two. This, he says, is a record which hasn't been equaled in years and years, certainly not during President Clinton's administration. I am frankly amazed by this assertion. In fact, under my chairmanship the Judiciary Committee did not vote against a single nominee. Not a single nominee in the span of six years of Republican control of the Senate. Even when one of President Clinton's nominees was voted down, the Committee under my chairmanship permitted the nomination to go to the floor for a full Senate vote. My colleague from Vermont certainly cannot say the same. In the last fifteen months, the Democrat-controlled Judiciary Committee has already voted against two nominees in committee and voted against allowing their nominations to go to the floor for a vote. This is not a record to promote.

The real story is the Senate's Democratic leadership is treating President Bush unfairly when it comes to judicial nominees. Some would justify this unfair treatment of President Bush as tit for tat, or business as usual, but the American people should not accept such a smokescreen. What the Senate leadership is doing is unprecedented.

Historically, a President can count on seeing all of his first 11 circuit court nominees confirmed. Presidents Reagan, Bush, and Clinton all enjoyed a 100-percent confirmation rate on their first 11 circuit court nominees. In stark contrast, seven of President Bush's first 11 nominations are still pending now for almost a year and a half since they were nominated.

History also shows Presidents can expect almost all of their first 100 nominees to be confirmed swiftly. Presidents Reagan, Bush, and Clinton got 97, 95, and 97, respectively, of their first 100 judicial nominations confirmed. I know that is true. I helped to get President Clinton's 97 of his first 100 judicial nominations confirmed. In this case, the Senate has confirmed only 73 of President Bush's first 100 nominees.

Some try to blame Republicans for the current vacancy crisis, and that is pure bunk. In fact, the number of judicial vacancies decreased by three during the 6 years of Republican leadership of the committee. There were 70 vacancies left by the Democrats when I became chairman of the Judiciary Committee in January 1995, and there were 67 at the time the Republicans left.

I might add again—I have said it many times, but it needs to be said—President Reagan was the all-time judicial confirmation champion with 382 judges confirmed. He had 6 years of a Republican—his own party—Senate helping him. President Clinton had virtually the same number confirmed, 377, and he had 6 years of the opposition party, meaning the Republican Party, to assist him, and he got basically just as many as President Reagan. He was treated very fairly, and I know because I was the Judiciary Committee chairman for those 6 years.

Some have tried to blame the White House for the committee's sluggish pace on nominees, and that again is pure bunk.

Specifically, I want to respond to the unbelievable allegations that the White House has failed to consult with home State Senators about judicial nominations.

In contrast to the claims of the distinguished Senator from Vermont, there has been an abundance of consultation by the White House with home State Senators. In my 26 years, I have not seen anything like it. The White House has risen above and beyond the call of duty insofar as consultation is concerned.

My colleagues who complain about the alleged lack of consultation from the White House really want something else altogether. What they want is for the President to defer to them 100 percent on judicial nominations. They want to be the one to nominate judges with only minimal, if any, input from the White House.

This, of course, would turn the Constitution on its head. The Constitution plainly gives the President the power to nominate Federal judges. The Senate's role is only that of advice and consent. It is an important role, but it is certainly not as important as the right to nominate judges.

Maybe they should offer an amendment to the Constitution if they would like it otherwise, but I know that amendment would not see the light of day.

The bottom line is that President Bush will continue to consult in good faith with home State Senators about judicial nominations. He deserves the same courtesy of good faith in return, not the partisan rejection of qualified nominees that the committee Democrats have handed him.

Mr. President, last week in the Judiciary Committee, one of my colleagues appeared to partially justify his vote against Justice Priscilla Owen by claiming that the White House failed to consult him on the nomination of Judge Reena Raggi from his home State of New York.

I ask unanimous consent to print in the RECORD a letter from the White House counsel totaling the number of consultations that were made with the distinguished Senator. I think the record needs to be made clear.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, September 5, 2002.

Hon. CHARLES E. SCHUMER,
Hart Office,
Washington, DC.

DEAR SENATOR SCHUMER: I write in response to your statement this morning during a Senate Judiciary Committee meeting that you were not consulted by the White House prior to the nomination of Judge Reena Raggi to the United States Court of Appeals for the Second Circuit. I was surprised and very disappointed to hear of your comments, given the extensive consultation that took place between us prior to President's Bush's nomination of Judge Raggi in early May, 2002.

Our records reflect that beginning in early September, 2001—more than eight months before Judge Raggi's nomination was submitted to the Senate—my staff called your office numerous times to seek your input on prospective candidates for the Second Circuit vacancy to which Judge Raggi was ultimately nominated. By early November, 2001, my staff had provided your office with a list of the names of candidates, including Judge Raggi, who we planned to interview for the vacancy.

In mid-November, I advised you that we were prepared to submit Judge Raggi's names to the President in advance of commencing an FBI background investigation, Immediately after receiving the President's approval, my staff informed yours that Judge Raggi's names had indeed been submitted to the FBI. At that time, we invited your staff to contact us at any time with any questions or concerns as you reviewed Judge Raggi's qualifications. No such questions or concerns were ever raised.

In late April, 2002, upon completion of the FBI background investigation, my staff informed yours of the President's intention to nominate Judge Raggi. Following the nomination, you returned your ''blue slip'' reflecting your support for Judge Raggi's nomination. Today, you joined your colleagues

on the Judiciary Committee in unanimously voting to approve the nomination.

In my view, the extensive consultation that took place between us concerning Judge Raggi's nomination reflects the common practice we have followed to date regarding federal judicial nominations in New York and elsewhere. In light of this record, I find your statements this morning very troubling. I trust that you share my desire to continue the same extensive practice of consultation on federal judicial nominations in New York that has been in place since the President took office. In light of that past practice and the history of Judge Raggi's nomination, I know that you will want to issue a public correction of your statements this morning.

Sincerely,

ALBERTO R. GONZALES,
Counsel to the President.

Mr. HATCH. Finally, some might suggest that the Republicans left an undue number of nominees pending in committee without hearings at the end of the Clinton administration. We did leave 41, which is 13 less than the Democrats left without hearings in 1992 at the end of the Bush administration. In fact, a number of the nominees now who have been submitted to the committee were submitted by Bush 1 back in the early nineties. They were never given a hearing, never given a chance, and they are still being dragged through the mud—not so much the mud, but through the difficult times of the confirmation process without any hearings.

President Bush deserves to be treated at least as well as the last three President. Instead of thinking up new ways to rewrite history, the Senate Democratic leadership of the committee should begin confirming President Bush's first 11 and first 100 judicial nominations at a pace that matches or exceeds the rate we reached for President Reagan, President George Herbert Walker Bush, and President Clinton.

I think it would be fair, and I hope we can some day in the future work it out where both sides on the Judiciary Committee will work together to see that these nominations are brought to the floor where, in an expeditious fashion, the Senate as a whole can decide whether or not to confirm them. We have to work towards that end. I am going to be dedicated towards working toward that end.

I know there are colleagues on the other side on the Judiciary Committee who would like that as well. I believe it will end a lot of this partisan confusion. Frankly, I hope we can see that the Constitution will be implemented and that the Senate as a whole will decide whether or not to confirm these people. If that were the case, I have no doubt that Judge Pickering would have been confirmed to the Fifth Circuit Court of Appeals, and I think there is no question that Justice Priscilla Owen would have been confirmed to the Fifth Circuit Court of Appeals. I have high hopes they will be confirmed in the future anyway.

Mr. GRAHAM. Mr. President, I would like to thank the Judiciary Committee for recognizing the needs of Florida and favorably reporting the nomination of Judge Timothy Corrigan. Tim Corrigan, an experienced Judge in Florida's Middle District, has been nominated to serve as a Federal judge in the Middle District of Florida.

Tim Corrigan's qualifications make him an excellent candidate for service on the Federal bench. Prior to his appointment as a Magistrate Judge, Judge Corrigan spent 14 years in private practice with the Jacksonville law firm of Bedell, Dittmar, De Vault, Pillans and Coxe, P.A. As a Magistrate Judge since 1996, he has considerable experience handling a broad variety of civil and criminal matters, including conducting numerous evidentiary hearings and misdemeanor trials.

Judge Corrigan received his law degree, with distinction, in 1981 from Duke University School of Law, where he served as a member of the editorial board of the Duke Law Journal. He received his undergraduate degree, with honors, from the University of Notre Dame in 1978.

Mr. Corrigan is a member of the Florida Bar, the Jacksonville Bar Association, the Federal Bar Association and the American Bar Association. The Jacksonville Bar Association recognized Judge Corrigan in 1991 for his pro bono services. From 1987–1989, Judge Corrigan served on the board of Jacksonville Legal Aid and was honored for his efforts.

I thank my colleagues for considering this nominee. I am confident that they will agree that Judge Timothy Corrigan posses the qualities needed to effectively serve on the Federal Bench.

Mr. DEWINE. Mr. President, as Senator HATCH just mentioned, last Thursday, on September 5, 2002, the Judiciary Committee met in an executive business meeting and considered the nomination of Texas Supreme Court Justice Priscilla Owen to be a Federal Court of Appeals Judge for the 5th Circuit. As a member of the Judiciary Committee, I participated in the debate on her nomination and then cast my vote in Owen's favor. Unfortunately, Owen's nomination was rejected on a straight party-line vote of nine in favor and ten against. I thought that the issues that had been raised against Justice Owen were unfounded. I won't go into Justice Owen's excellent qualifications here today, nor will I address objections that have been raised regarding her nomination.

However, had the full Senate engaged in a debate on Justice Owen, and I think she deserved such a debate, I would have pointed out significant mischaracterizations that have been made about her decisions in a series of parental notification cases before the Texas Supreme Court. I discussed this issue in the Judiciary Committee debate, so for the information of other Senators who did not have the opportunity to participate in that debate, I ask unanimous consent to print my committee statement for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT REGARDING 5TH CIRCUIT COURT OF APPEALS NOMINEE JUSTICE PRISCILLA OWEN

Mr. Chairman, I believe that we are headed for a very momentous vote today and I would like to follow up on a comment made by Senator FEINSTEIN in regard to the closeness of the last election. I would simply say that whether an election is decided by a few votes or whether it is a landslide, the President still has the constitutional duty that is prescribed in the Constitution and the Senate has its constitutional obligation. I candidly do not think that how close an election is or whether it was a landslide matters one bit.

Let me talk about Justice Owen's opinions in the Doe cases that Senator FEINSTEIN was talking about. I think we need to put this in its proper perspective. First of all, these are not abortion cases. These are parental notification bypass cases.

As we all know, these were a series of Texas Supreme Court cases interpreting a Texas statute that requires a minor to tell one of her parents before she has an abortion. None of these cases had anything to do with whether a woman could get an abortion. That was not before the court. In Texas, as in the rest of the country, women may legally get abortions.

The question of a right to abortion is not what these cases were about. The only question in any of these Doe cases was whether a minor child could avoid the requirement of Texas law to get parental consent to tell one of her parents before she got an abortion.

The Doe cases came to the Texas Supreme Court only after an act of the Texas Legislature in 1999, when it passed a law that requires parental notification when a minor is seeking an abortion. Let me just reiterate, the Texas legislature created this notice requirement, not the Texas Supreme Court, and certainly not Justice Owen.

When the legislature enacted this law, it included a process that a minor could use to circumvent the notice requirement. The legislature looked to the United States Supreme Court and looked to the precedent of the Supreme Court on parental notice rights to craft what was intended to be a limited exception to the parental notice rule, but an exception that was constitutional.

The process allowed a teenage girl to go to a State court judge and ask for a ''judicial bypass''. The legislature instructed the court to grant the bypass if the young lady could demonstrate one of the following. Senator FEINSTEIN has outlined these, but I am going to read them again because I think it is important to understand the context of these decisions.

One, the minor is mature and sufficiently well informed to make the decision to have an abortion performed without notification to either of her parents; OR if she could demonstrate that notification would not be in the best interests of her; OR, three, if she could demonstrate that notification may lead to physical, sexual, or emotional abuse of the minor.

Now, while these exceptions appear straightforward, as with all statutes in a common law system—and that is what we are dealing with—the terms are, of course, subject to interpretation by the courts. And I would submit that what we see in the Texas Supreme Court is that give-and-take on the interpretation; that when you look at both the majority and minority opinions in each one of the cases, you will see interpretation. So that should not be the issue.

Many, many, many statutes every single day are construed by our courts, and the

courts are obligated to interpret and apply the statutes as they believe the legislature intended.

Senator FEINSTEIN and others at the hearing raised the issue of statutory construction, and basically the charge was that Justice Owen had become a judicial activist. Let me talk, if I could, about some questioning I did of Justice Owen at the hearing on three separate issues.

I asked Justice Owen about her analysis of the Texas parental notification statute. She made these three points about decision making in state courts of appeals, and although I think these points are obvious, I would like to repeat them because I think it gives us a better understanding of what the issues are in front of us.

I think that it is particularly important for the Committee to consider how the Texas Supreme Court analyzed the Doe cases and whether that analysis was consistent with standard appellate review.

First, Justice Owen told me that the Texas Supreme Court applied the standard presumption, something that all courts must apply, that a state legislature is aware of U.S. Supreme Court precedent on an issue on which it is legislating. So in interpreting the statute, both the majority and, in a dissent, Justice Owen applied this rule of construction.

The language of the Texas statute tracks closely with language in Supreme Court precedent on the issue. It therefore was simply standard procedure for the justices to look to the U.S. Supreme Court case law to interpret the Texas law. You can't interpret one without the other. It was not an act of activism in any sense. It was merely standard appellate procedure to look at Supreme Court precedent. The only difference in the outcome of the majority's opinion and Justice Owen's dissent in one key case had to do with a pretty nuanced application of the precedent to the facts of the case.

Second, another important point Justice Owen made in response to my questions was that appellate courts almost always defer to trial courts on issues of fact. That was Justice Owen's position in the Doe cases and that is the standard applied to fact issues in a vast majority of cases in our country's courts of appeals.

That deference is necessary because the trial courts are in a much better position to judge factual issues. The trial courts get to see the witnesses firsthand and to judge their credibility. These Doe cases obviously hinge on that analysis, the analysis by the trial court, the trial court's ability to judge the demeanor of the witnesses, the trial court's determination of the facts. The trial court, for example, had the advantage of actually listening to the teenager's testimony to determine whether she was ''mature'' or not.

Now, in all the cases before Judge Owen—I think we need to keep this in mind—in all the cases, when we think about the factual determination that the teenager had not met the requirements for a judicial bypass. The trier of fact had already made that determination.

The final point, again to state the obvious, that was brought out in my discussion with Justice Owen was that before the Texas Supreme Court ever heard a parental notification case, a bypass case, a number of judges had already denied the bypass.

First, the trial judge would have ruled against the teenager not just once, but really on all three of the ways that she could achieve the bypass. The judge would have had to have found that she had not proven her case on any of the three.

Next, a three-judge court of appeals would have ruled against the teenager on these same issues. So before this case ever reached the Texas Supreme Court, the case had already been decided once at the lower court and already decided at the appellate court.

I believe these are important points, all of them, all three, about how Justice Owen analyzed the Doe cases. And I think it may be constructive to put these cases in the context of all the bypasses requested by teenage girls in Texas.

We don't know the total number and I am not sure really what great significance it has, but we do know that at least 657 bypass petitions were filed between January 1, 2000 and March 8, 2002. This is the number of cases in which the Texas Department of Health paid some of the expenses for filing the petition. So it is the minimum number of cases that were just filed.

Of all these cases, we ended up with 10, 12 cases that got to the Supreme Court, depending on how you calculate them. Some came up for the second time on review. Of these ten cases, Justice Owen thought the majority of the Texas Supreme Court got it wrong three times. So she is only in the minority three times in the Texas Supreme Court, and in these cases she agreed with both lower courts. I think these are things that we need to keep in mind to put this in its proper perspective.

What we are really talking about here is a small handful of cases. A handful of cases in which a minor was required under Texas law to tell one of her parents that she wanted to have an abortion. Justice Owen conducted a perfectly reasonable analysis in her opinions. In three of those cases, she came to a different conclusion than the majority of the court.

That conclusion would not, as some would imply, overturn 30 years of abortion precedent. It would simply require each of these three teenage girls to tell one of their parents that they are going to have an abortion. So, in my view, it is ludicrous to think that this is sufficient to disqualify Justice Owen for a seat on the 5th Circuit Court of Appeals.

Mr. Chairman, I appreciate your time. I don't want to take the committee's time to talk about all the other issues. I thought I would just devote my time to that one particular issue.

Am I to understand the vote is to occur at 10 o'clock?

The PRESIDING OFFICER (Ms. STABERNOW). The Senator is correct.

Mr. REID. Madam President, I do not want to cut Senator HATCH off from speaking, but I have to acknowledge that this judge will be approved by, I think, a unanimous vote. Unless Senator BURNS feels strongly to the contrary, we should go ahead with the vote. If Senator HATCH has something to say, he can speak after the vote. If Senator BURNS wants him to speak, I will be happy to do that. Senators are waiting around to vote. Schedules have to be met.

UNANIMOUS CONSENT AGREEMENT—H.R. 5005

Mr. REID. Madam President, while the Senator is making that decision, I ask unanimous consent that at noon today, when the Senate resumes consideration of H.R. 5005, the homeland security legislation, the Thompson amendment be set aside and Senator HOLLINGS be recognized to offer a first-degree amendment relating to national security; that the Hollings and Thompson amendments be debated concurrently for a total of 2 hours, prior to a vote in relation to each amendment, which 1 hour equally divided and controlled between the proponents and opponents of each amendment, with no second-degree amendments in order to either amendment prior to a vote in relation to each amendment; that upon the use or yielding back of time, without further intervening action or debate, the Senator vote in relation to the Thompson amendment, to be followed by an immediate vote in relation to the Hollings amendment; that upon disposition of these amendments, Senator BYRD be recognized to offer a first-degree amendment, as provided for under a previous order; provided further, that following a vote in relation to the Thompson amendment, regardless of the outcome, the Senate vote in relation to the Hollings amendment; that if neither amendment is disposed of, then the amendments remain debatable and amendable.

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

Mr. REID. Madam President, the only caution I will make is that this order does not provide for who is for and against these amendments. We really do not know at this stage. When the time of noon arrives, the Chair will have to make some ruling as to who is going to control the time in opposition to these amendments, if, in fact, there is anyone opposed to them.

Has the Senator made a decision?

Mr. BURNS. Madam President, I suggest and recommend to the chairman of the committee that we move forward on this vote. I know Senators have made their schedules around the vote that was determined to happen at 10 o'clock this morning. We have other business to do on the Interior appropriations bill and a short time within which to do it. I suggest to the chairman that we move forward.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I suggest we go ahead with the vote. I will ask for the yeas and nays once it is reported.

The PRESIDING OFFICER. The yeas and nays have previously been ordered.

Mr. LEAHY. I understand.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Timothy J. Corrigan, of Florida, to be United States District Judge for the Middle District of Florida? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Delaware (Mr. CARPER), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Minnesota (Mr. WELLSTONE), are necessarily absent.

Mr. NICKLES. I anounce that the Senator from Wyoming (Mr. ENZI), the Senator from New Hampshire (Mr.

GREGG), the Senator from North Carolina (Mr. HELMS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Alabama (Mr. SESSIONS), and the Senator from New Hampshire (Mr. SMITH) are necessarily absent.

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

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 213 Ex.]

YEAS — 88

Allard	Durbin	McCain
Allen	Edwards	McConnell
Baucus	Ensign	Mikulski
Bayh	Feingold	Miller
Bennett	Feinstein	Murkowski
Biden	Fitzgerald	Murray
Bingaman	Frist	Nelson (FL)
Bond	Graham	Nelson (NE)
Boxer	Gramm	Nickles
Breaux	Grassley	Reed
Brownback	Hagel	Reid
Bunning	Harkin	Roberts
Burns	Hatch	Rockefeller
Byrd	Hollings	Santorum
Campbell	Hutchison	Sarbanes
Cantwell	Inhofe	Schumer
Carnahan	Inouye	Shelby
Chafee	Jeffords	Smith (OR)
Cleland	Johnson	Snowe
Cochran	Kennedy	Specter
Collins	Kerry	Stabenow
Conrad	Kohl	Stevens
Corzine	Kyl	Thomas
Craig	Landrieu	Thompson
Crapo	Leahy	Thurmond
Daschle	Levin	Voinovich
Dayton	Lieberman	Warner
DeWine	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

NOT VOTING — 12

Akaka	Enzi	Sessions
Carper	Gregg	Smith (NH)
Clinton	Helms	Torricelli
Dodd	Hutchinson	Wellstone

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDER OF PROCEDURE

Mr. DASCHLE. Madam President, I ask unanimous consent that the Senator from Pennsylvania, Mr. SPECTER, be recognized for a period not to exceed 5 minutes, and that following the remarks of the distinguished Senator from Pennsylvania, the Senate stand in recess subject to the call of the Chair to accommodate Senators who wish to watch the President's speech.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Pennsylvania.

MEASURE PLACED ON THE CALENDAR—S. 2924

Mr. SPECTER. Madam President, I ask unanimous consent to proceed as in morning business to allow for the second reading of a bill. I understand there will be objection. However, this relates to the award of the special Congressional Gold Medal to the crew and passengers on flight 93.

I had said on Wednesday and Tuesday, yesterday and the day before, that I intended to do this. Since making that announcement, I have discussed the matter with the Senator from New York, who is in the Chamber, and also the Senator from Texas, who is the ranking member of the Banking Committee. I asked the chairman to be present, but he had other business to which he had to attend.

This unanimous consent request is to proceed to the second reading of the bill, which I will object to, and then to ask unanimous consent that S. 2924, which was previously introduced as S. 1434, be taken up, and the Senator from New York will object to that. I said that if he was absent I would object on his behalf.

I am doing this so it will be known that every effort is being made by this Senator to get a resolution of S. 2924, which seeks to give gold medals, special Congressional Gold Medals, to all those who were on flight 93.

There are others, including the Senator from New York, who would like to include other people. The Banking Committee ranking member wants to sit down—which we are committed to do early next week—to try to get it resolved. However, for purposes of the record, I would like to proceed now with the second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2924) to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

Mr. SPECTER. Madam President, I will now ask the Senate proceed to consider the bill, and I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

UNANIMOUS CONSENT REQUEST—S. 2924

Mr. SPECTER. I ask unanimous consent—and I understand there is an objection, but for the record I ask unanimous consent to take up S. 2924.

The PRESIDING OFFICER. Is there objection? The Senator from New York.

Mr. SCHUMER. Reserving the right to object, and I will object, the intentions of the Senator from Pennsylvania are good and noble and I am supportive of them, but there are people in New York who should be taken into account as well. We have been negotiating for a little while. We will continue to negotiate and hopefully come to a happy resolution. That is why I object. I have no objection to the Pennsylvanian people being included, but certainly I have objection to leaving out some of the heroes in New York who were not police and firefighters—they were included—but we have lots of people who tried to carry people downstairs and everything else. That is what we have to work out. So I will reluctantly object and hopefully we can resolve this shortly.

The PRESIDING OFFICER. Objection is heard. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Senator from New York for his comments. As I said, I anticipated the objection. I am willing to work with the Senator from New York to give recognition to the many heroes who were involved in the rescue effort in the World Trade Center towers. There is no doubt about that. However, I do want to get it moved along. I think this is something that would have been better had we been able to finish it before September 11, 2002. However, since we did not do that, since it is September 12, we now have a calendar to move it ahead.

I thank the Chair and my colleague from New York for yielding the floor.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess, subject to the call of the Chair.

Thereupon, the Senate, at 10:33 a.m., recessed until 11:09 a.m. and reassembled when called to order by the Presiding Officer (Mr. EDWARDS).

LEGISLATIVE SESSION

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The PRESIDING OFFICER. The Senate will resume consideration of H.R. 5093, which the clerk will report.

A bill (S. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

Pending:

Byrd Amendment No. 4472, in the nature of a substitute.

Byrd Amendment No. 4480 (to Amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression.

Craig/Domenici Amendment No. 4518 (to Amendment No. 4480), to reduce hazardous fuels on our national forests.

Dodd Amendment No. 4522 (to Amendment No. 4472), to prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 4518

Mr. BOND. Mr. President, I rise to support the Craig second degree amendment. This amendment will address the continuing problem of hazardous fuels buildup in our Nation's

forests. Unfortunately, the excessive buildup of these fire producing fuels has reached a crisis stage.

Nowhere is this fact more evident than what is happening in our forests this year. Currently, conditions in our Nation's forests are terrible. The fire risks as a result of the buildup of these fuels are extremely high. According to the Society of American Foresters, ''As a result of 80 years of fuels accumulation and several years of drought, the potential for wildfire is at an all time high in many regions of the U.S.'' In addition to this, recent forest service estimates indicate that approximately 73 million of the Nation's national forests are at risk from ''catastrophic'' wildfire.

For many of the states, the damage is already done. As you all know, many western states have experienced devastating wildfires—fires that have not only destroyed homes and property, but vast acres of trees and wildlife as well. As of late August, more than 6.3 million acres of land have burned this fire season—more than double the 10-year average. So far in this fire season, we have seen devastating fires in Colorado, Arizona, New Mexico, Alaska, and Oregon.

Mr. President, these fires not only clean out and tear down living trees, they kill the wildlife, they threaten homes, they threaten lives; most of all, they scorch the Earth, subjecting it to disastrous soil runoff into our Nation's rivers, streams, and lakes, and knocking out the potential of forest regrowth for decades.

The time for addressing the problem of excessive fuels buildup in our forests is long overdue. Current efforts to reduce fuel loads are taking far too long due to senseless bureaucratic delays. According to the U.S. Forest Service, it can take up to 8 years to plan and executive a relatively routine fuels reduction project. We simply cannot afford to wait this long.

We are talking about good science-based forest management here. In a letter to the St. Louis Post Dispatch, Dr. Gene Garrett of the University of Missouri School of Natural Resources, who has studied and taught forestry for over 32 years, indicates that ''In many forests in the west, trees become susceptible to insects and disease, die off, and add their wood mass to an already excessive fuel load on the forest floor. Studies have shown that fuel loads are 5–10 times higher per acre in the pine and mixed conifer types in the west than during pre-settlement times. Forest scientists all across the country believe that reduction of these excessive fuel loads is the necessary and prudent action to take to restore the health of our forests, to protect our environment, to protect our wildlife.

If we do not address this problem now, we risk losing many of America's most pristine forests due to wildfire devastation. Congress needs to pass legislation to streamline and expedite the clearing of these fire producing fuels.

I believe that the Craig hazardous fuels reduction amendment will accomplish this goal. This amendment is designed to cut through bureaucratic red tape and speed up the review and approval process for fuels reduction efforts.

Specifically, this amendment limits projects to areas that qualify as Condition Class 3 or high fire risk areas with priority placed on wildlife urban interface zones, municipal watersheds, diseased, dying, insect-infected or windthrown trees and areas susceptible to reburn.

Proposed projects must also be consistent with the applicable forest plan, resource management plan, or other applicable agency plan. Furthermore, this amendment limits the aggregate treatment area to 10 million acres of Federal land or roughly 6 percent of the 190 million acres of Federal lands that are at high risk of wildfire.

Finally, the Craig amendment allows parties to seek judicial review in Federal district court.

This amendment is important to Missouri because it addresses most of the causes of excessive fuels buildup in Missouri Forests.

No. 1, there has been a significant increase in fuels in the Mark Twain National Forest as a result of a serious tornado that occurred in Southeast Missouri on 4/24/02.

According to the U.S. Forest Service's Tornado Fuels Assessment for the Mark Twain, heavy winds from the tornado caused tops of trees to be broken off, stems splintered and whole trees to be uprooted. Because of this damage, fuels in this region of the forest have increased by anywhere from 5–25 times pre-tornado conditions.

Fuels in the tornado-affected areas are now classified under two levels: ''very high to extreme fire danger'' and ''high fire danger.'' Currently, over 470 valuable private structures near this damaged area are endangered by this fuels buildup.

No. 2, Missouri has a significant number of wildlife urban interface areas. These are areas in and around forests that have a high population with a significant number of private structures. Some of these areas include individual residences, numerous rural subdivisions and small towns. These areas are particularly prevalent in southeast Missouri.

No. 3, in additional to the tornado, several years of drought, oak decline and oak mortality have accelerated the process of fuels buildup in other areas of the Mark Twain. The USFS has prepared an Environmental Impact Statement for oak decline and forest health for a 192,000 acre area of the Mark Twain where trees are dying from a combination of age, drought and insect infestation red oak—bores and two line chestnut bores.

The first of Missouri's two fire seasons starts next month. The most recent high wildfire season in Missouri occurred in 2000 when over 8,700 acres of wooded lands burned—more than 3,000 acres over the ten year average. The time for this body to act on this problem is now.

As stated earlier, I believe that the Craig amendment will address most of the fuels buildup issues in Missouri's forests, and prioritize them for expedited cleanup. In closing, I urge you to vote in favor of this amendment. By expediting the cleanup or clearing of these fuels, Missouri and the rest of the Nation can expect to see the risks of catastrophic wildfires reduced.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent that I proceed after the remarks of the distinguished Senator from Utah, Mr. HATCH.

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

Mrs. FEINSTEIN. May I amend that?

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I wish to make a few comments directly following Senator WYDEN, if I may.

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

The Senator from Utah.

Mr. HATCH. Mr. President, I compliment the distinguished Senator from Missouri. He has stated the case very dramatically, not just for Missouri but in many respects for the rest of the West and many States in this Union where we are losing our forests because we cannot clean out from the forests the existing fuel. We cannot keep the forests thin so they are not susceptible to the tremendous losses we have been suffering.

Utah is no exception. We have lost thousands and thousands of acres of wonderful forests. We have not been able to take care of the forests because of basically what I consider to be environmental extremism. We are all environmentalists. We all want the forests to last. We all want to make sure it works.

My gosh, what has been going on in this country is environmental groups using the courts to override our professional land managers. It has led to a total neglect of the forests, a total neglect of what we consider to be not only natural resources but the beautiful forests of this land and the ability to keep them beautiful.

The PRESIDING OFFICER. At 12 noon, the Senate will resume the issue of homeland security.

Mr. WYDEN. Mr. President, the Senate has before it the Craig-Domenici amendment with respect to how we should spend the money we have in this appropriations bill designated for hazardous fuels reduction. It is an enormously important issue to my constituents.

I chair the Senate Subcommittee on Forest and Public Lands Management. There were devastating fires throughout this summer all over the west. Because of that, I have spent a large

chunk of my waking hours in the last few months, both out in Oregon and here in DC, trying to find the common ground that would allow us to deal with the risk of fire on the millions of acres of national forest land that are fire prone and at the same time be sensitive to environmental values and legal processes.

It saddens me to rise today in opposition to this amendment because I had hoped by this morning to be able to come to the Chamber and talk about how the Senate had found common ground. I know the distinguished Senator from California, Mrs. FEINSTEIN, is very much committed to this as well.

I agree that hazardous fuels reduction on our national forests must be pursued aggressively. I strongly believe in the concept of expedited treatment for fire-prone areas, but I simply cannot agree to the excessively broad slashes that this amendment takes at our environmental laws.

For instance, let me spend a moment talking about some of the provisions with respect to access to the courts that are in the amendment that is before the Senate this morning.

First, I feel strongly that citizens have a constitutional right to access the courts with respect to concerns over the management of our national forests, but I also believe they do not have a constitutional right to a 5-year delay. So, I have made it clear I support reforms that address these questions and expedite the critical work that needs to be done. But, I want my colleagues to understand this amendment before us today goes too far and that is why I oppose it.

This amendment strips away a plaintiff's right to a temporary restraining order and a preliminary injunction. This means, essentially, that the plaintiff's case will be heard on its merits, but while he is waiting to be heard the agency does not need to wait to complete the project over which the suit was filed. In effect, people are going to be suing over stumps.

I do not think that is what the Senate wants. I do not think that is what makes sense.

They are going to say this keeps the courthouse door open. I want my colleagues to know that though the courthouse door may be open, the effect of this provision is the plaintiff never makes it past the coat closet of the courthouse. This is not a meaningful and balanced approach to forestry. Justice is not going to be found with respect to the provisions as written.

This issue is fundamentally about trust. Certainly, there are many good people at the federal land management agencies. But suffice it to say there are many in the environmental community that do not trust the natural resources leadership of these agencies. There are many on the other side and many people in rural communities who believe there are some in the environmental community that simply are committed to delay.

So what I have tried to do, along with Senator FEINSTEIN, Senator BINGAMAN, and others who spent many hours with us, is to come up with a reasonable, mainstream proposal to reduce hazardous fuels, improve the environment and protect communities.

For example, we have said there ought to be a categorical exclusion from required NEPA analysis of the hazardous fuels reduction projects that produce a significant amount of green timber and salvage when accompanied by environmental safeguards like protecting big old trees and the assurance that the building of new roads will not waste the limited resources we have for such projects. This provision that we have talked about could save between 1½ and 3½ years of time.

Going even further, we said—and this can only be done by statute—there should be no administrative appeals on these projects.

Senator BINGAMAN, Senator FEINSTEIN, myself and others, have said these are the kinds of ideas and approaches that help to bring the Senate together to try to find the common ground in this area. Unfortunately, that has been unacceptable to my colleagues on the other side of the aisle up to this point. That is why I believe the Craig-Domenici language that overreaches will polarize, in my view, this very contentious debate even further.

I would like to see the Senate make a very real and meaningful attempt to address the important forest management issues and reduce the risk of wildfire. I would like to see expedited treatment for key areas. My sense is there is broad agreement now that on 5 million acres, even 6 million acres—I have heard colleagues talk about 7 million acres—if we could address the questions of a fair and open process with respect to the courts, the Senate could come together.

I am very anxious to work with my colleagues to do that. But given the contentiousness of this issue, I think the amendment before us now so restrains people who would like to bring legitimate questions of forest policy to the courts, that provision is going to so polarize the Senate as to set back the effort to try to find common ground.

What I want to do is work on a bipartisan basis to implement the National Fire Plan. That is a collaborative effort. That is the kind of effort that would bring the Senate together. That is what we were able to do in the county payments law and I hope we can do it again.

We have to put firefighting dollars where they can best be used in a strategic way to reduce hazardous fuels, to start in the places where treatment would be most effective, the wild and urban interface ecosystems and municipal watersheds where fire can cause the most damage.

Senator BINGAMAN has worked with Senator FEINSTEIN and others on that. I think this is the kind of approach that brings people together. Certainly there is a commitment to cut these never-never land legal processes down in a significant way, but they have to maintain the integrity of the system.

Already I mentioned the prospect of being able to save 1½ to 3½ years of time when we are talking about the categorical exclusions from required NEPA analysis on hazardous fuels that myself and Senator BINGAMAN and others have supported. That is a significant step towards reducing the time line that so many folks are upset about in pursuing hazardous fuels reduction projects.

I am open to other ideas and suggestions but I hope the Senate will not support the amendment that is before us now. I do believe what will happen if this amendment passes is that plaintiffs will be suing over stumps. People will not be able to have the issues addressed, in effect, while it is appropriate, while the case is moving forward. That is why I think the amendment is an overreach.

I hope my colleagues will continue to work with Senator BINGAMAN, Senator FEINSTEIN and me, and the many colleagues who would like to find common ground come forward to work with us and support a package that would allow us to get expedited treatment for important projects while at the same time be sensitive to fair access to the courts and to environmental values.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I truly believe we have a real fire emergency in America's forests. It is precipitated somewhat by drought, but it is precipitated by a very flawed forest policy, a forest policy that has practiced fire suppression and spent over a billion dollars this year in suppressing the largest number of acres burned in the history of our Nation—6 million acres burned, 28 people lost, hundreds of millions of dollars of property lost, and a major concern of the American people. All the money cannot be spent suppressing fires. We have to begin to spend the money grooming forests so they are more fire resistant.

Over the past 100 years, there has been a buildup of underbrush, a buildup of dead, dying, and downed trees, a buildup of infested trees, and a buildup of nonindigenous species trees which become fire ladders. All of this presents fire ladders. So a fire begins, and it ''ladders'' up into the crowns of old growth, and there is a fire conflagration. I watched that happen in Colorado. I flew over the fires in Arizona. We watched it happen in New Mexico. Yes, it is happening in California, and we are not through with our fire season yet.

There is a true bona fide message. It needs to be met. I have been trying to work with Senator WYDEN, Senator CRAIG, Senator KYL, Senator DOMENICI, Senator BURNS. We have spent hours trying to come up with a bipartisan amendment which could get 60 votes on

this floor. I believe we are relatively close to those 60 votes. Senator WYDEN has indicated some of the parameters in which we have been negotiating.

We have 74 million acres of forests in the highest risk of catastrophic fire; 24 million of those acres are Federal lands. We took the Federal lands—California alone has 7 million acres of the 24 million acres in what is called class 3, highest risk of catastrophic fire—to see if we could create for 1 year, as an amendment in an appropriations bill, an expedited program to address those acres, making 70 percent of the effort in urban interface areas where we find property, and people, where fire is devastating. Also, in some of the watershed areas, the areas of heaviest pest infestation, windthrow, as well as those acres which are apt to burn—highly catastrophic.

We are very close. We can agree on the number of acres which, after all, will be conditioned by the amount of money. We have agreed to truncate the administrative process. We concentrate on the areas I have mentioned.

But on this side of the aisle, there are very strong feelings we should not change the judicial review process. We are trying to come to grips with the Republicans on this issue. I am hopeful we can. Those on the Energy and Water Development Subcommittee who are negotiating hopefully will be on that subcommittee next year as well. If we can have a 1-year trial of moving the administrative processes faster, creating the emergency within these 5 to 7 million acres of the 24 million acres, confining most of it to the urban interface and the watersheds that are in the resource management and forestry plans, we can make a difference. We can see whether it works.

There are people who say it will not work because there are individuals or groups who will go into court to try to stop us. I am not sure that is entirely correct. I thought so initially, and then I looked at a GAO letter. I will read part of it into the RECORD. It is dated August 31, 2001. It says:

> In summary, as of July 18, 2001, the Forest Service had completed the necessary environmental analyses and had decided to implement 1,671 hazardous fuel reduction projects in fiscal year 2001. Of these projects, 20 (about 1 percent) had been appealed and none had been litigated. Appellates included environmental groups, recreation groups, private industry interests, and individuals.

That is just with one program, that hazardous fuel reduction project in that year. It would indicate that in this small area court challenges have not been a big problem. Many people who believe in the National Environmental Policy Act, known as NEPA, believe very strongly that we should not vitiate the NEPA process in any way, and we should not vitiate the judicial process in any way in this 1-year pilot project.

I am hopeful we will be able to find an accommodation that will get 60 votes. On this side, we clearly have to get Democrats centered around an effort. And on the Republican side, we have to be able to convince them we are serious about moving in a constructive, emergency way to address the problem of catastrophic fire in our country. We can do it. Senator CRAIG, Senator KYL, Senator BURNS, Senator DOMENICI, all want to do it.

It is true that on both sides there are different approaches. I believe in a draft either called Bingaman 3 or Feinstein Modified—whatever one wants to call it. We are relatively close to that. I am hopeful we can, by unanimous consent, not take the vote on any of these at this time but continue to negotiate at least until tomorrow morning, and hopefully be able to get through the impasse we are in at the moment—or even to next week. This bill will not be included. I believe it is important we try to move more rapidly this year with hazardous fuels mitigation. In what is Bingaman 3 or Feinstein Modified—whatever anyone wants to call it—we have a very good first start.

We would like to hear from the other side of the aisle. We would like to continue these negotiations. I am hopeful there is not a vote at this time, that we are able to continue the matter, and we are able to continue to negotiate. I was present at meetings for 3 hours yesterday. I was in a conference call on it for an hour and a half last night. I want the Senate to know our efforts are sincere, they are earnest, that we would like to find an accommodation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank Senator WYDEN and Senator FEINSTEIN. There is no one better to work with as we have moved through the negotiations to change the way we look at management areas with regard to reduction of the fuel load on the floors of our forests and dealing with diseased forests.

It is most troubling to me that we are seeing the results of 20 years of frivolous appeals and putting the U.S. Forest Service and the Bureau of Land Management under such review that they cannot manage with any common sense; 20 years' experience, with a lot of folks on the ground who probably do not have 2 days' of education in their whole life, but they have been in the forest all their life, saying we are going in exactly the wrong direction and this will lead to disaster. But because they do not have a certain standing in the process to get their voice heard, their warning goes unheeded.

So we come to the years of 2000, 2002, even 1998. My State of Montana is just completing its fifth year in drought and also in low snowpack. We had devastating fires in 2000, with a lesser amount this year because we got a little rain. But now when the rains come, we see the mud slides, devastating mud slides that take streams out, destroy water quality, damage watersheds. I have heard people give endless speeches on watersheds. They have been damaged beyond repair. It will take years and years for them to be restored. It impacts municipalities and also impacts wildlife—fish.

How much do we have to show America that the past 20 years have been a disaster, an unmitigated disaster? This policy was recommended by groups who, at times you have to believe on the management of forests—there is an old saying that says they don't know the difference between ''sic 'em'' and ''come here.'' Hocus-pocus science—a theory. Feel good, warm and fuzzy—but it burns. That is what we are talking about here and that is what should be at the crux of our discussions with one another in this Senate.

How do we avoid continuing this in a commonsense way, where if you want to debate the science or the decision made by an agency or a person with regard to the management of that land, that it cannot be open and all cards have to be on the table? That is what we are looking at here.

So I am going to work with my chairman, Mr. BYRD, as we try to move this piece of legislation along. I will tell you, I have never seen more earnest and dedicated people, people dedicated to solving a problem, than those in this debate, in the private meetings, the endless hours that negotiation have gone on. I appreciate that because basically I think we are driven to take care of our forests. But past practices have not given us much help.

Mr. President, I now yield time to my good friend from Colorado.

Mr. ALLARD. Mr. President, I thank the Senator from Colorado for yielding some of his time to me. I thank him for his leadership, trying to bring some common sense to the way we manage our forests. It is a pleasure for me to be on the Senate floor with my western colleagues who face a lot of problems similar to those I am facing in the State of Colorado.

The citizens of Colorado and the west are facing a challenging time. Faced with drought and fires across the state, our response to the test of mother nature is being measured, and will continue to be measured with the passage of time. Yet the message I want to send home today, and one that my colleagues rising in support of forest health also wish to convey, is that we must not fiddle while our forests burn.

We have studied forest fires, forest health, and forest management. We have studied while our forests burn and while our critical habitat turns to ash. Yet we continue to imperil life, property and nature with catastrophic wildfires.

I want to thank the rescue workers, fire fighters, police, sheriffs offices, aid workers, and the thousands of volunteers who have battled the blazes all summer long. I hope these brave firefighters realize that their efforts are not in vain, and that new policies will restore sound forest health and revitalize our management of our great forestlands.

Unfortunately, today there is an increasing threat of fire in millions of acres of forestlands and rangelands throughout the United States. This threat is especially great in the interior States of the western United States, where the Forest Service estimates that 39,000,000 acres of National Forest System lands are at high risk of catastrophic wildfire.

Today's forestlands and rangelands are the consequences of land management practices that emphasized the control and prevention of fires, disrupting the occurrence of frequent low-intensity fires that periodically remove flammable undergrowth.

As a result of these management practices, forestlands and rangelands in the United States are no longer naturally functioning ecosystems, and drought cycles and the invasion of insects and disease have resulted in vast areas of dead or dying trees, overstocked stands and the invasion of undesirable species.

Population movement into wildand/urban interface areas exacerbate the fire danger, and the increasing number of larger, more intense fires pose grave hazards to human health, safety, property and infrastructure in these areas. In addition smoke from wildfires, which contain fine particulate matter and other hazardous pollutants, pose substantial health risks to people living in the wildland/urban interface.

The budgets and resources of local, State, and Federal entities supporting firefighting efforts have been stretched to their limits. In addition, diminishing Federal resources—including personnel—have limited the ability of Federal fire researchers to respond to management needs, and to utilize technological advancements for analyzing fire management costs.

Now, I would like to share with my colleagues a little about Colorado's devastating fire season. Several months ago, one third of the State was blanketed in smoke from forest fires, blocking the sun, the mountain view, and creating major pollution problems, and asthma related deaths. Over 500,00 acres of Colorado has burned this year. The normal is 70,000 acres.

Over the course of the wildfires, safety and emergency personnel have had to evacuate 142 subdivisions, 85,000 people, and ended up spending more money on suppression because of the interface complexity. It is critical for life and property protection to mitigate this problem.

The result of the catastrophic fires is a hardened surface that is impenetrable by water. When the ground can't absorb the water, not only is the drought prolonged, but the water has to go somewhere. So it goes downhill. As the volume of the water increases, it picks up rocks, additional—possibly undamaged—soil and other debris.

This flow of tainted water and debris does not discriminate. It enters watersheds and people's homes. Right now in southwestern Colorado roads are closed, homes are damaged and people are trying to dig their yards out of up to ten feet of mud.

In the past six years, six major forest fires have affected the mainstem of the South Platte river, a major source of water for the Denver metropolitan area. The Hayman fire this summer was the first of these fires to destroy Denver Water property.

However, all of these fires have caused problems with the watershed which has negatively affected the quality of the water delivered to the two largest water treatment plants for Denver Water.

The Hayman fire completely consumed the trees on the acreage surrounding Denver Water's Cheesman Reservoir, except where Denver had applied Forest Service procedures of thinning and brush removal. As a result of the fire and the emulsified granite soil surrounding Cheesman, the burned trees and ash has been washing into the Reservoir as well as into the mainstem of the South Platte along the burn area. About 90 percent of Denver Water's property was burned.

At Cheesman Reservoir where Denver Water used Forest Service-type techniques, fire intensity was diminished and the fire did not destroy the entire forest. Therefore erosion and attendant water quality degradation will be minimized. One of the Forest Service mandates in its enabling legislation was protection of municipal water supplies. It is imperative that the Forest Service limit fire damage in municipal watershed areas.

This will take money, personnel, quick response and long-term dedication of public resources. In order to protect and preserve watersheds as public purpose resources, the Forest Service will need money and Congressional support to reverse policies that limit sound forest management.

It is estimated that damage to Denver Water facilities from sediment deposits and degraded water quality will occur for the next thirty years. To date, Denver Water's cost to try to mitigate some of the Hayman fire damage is over $500,000 for erosion prevention and protection of facilities.

It is estimated the cost for the next 8 weeks will be $100,000/week. Additionally, the life of our reservoirs impacted by the fire will be reduced by about 40 years due to increased sediment. Dredging of the reservoir will solve some problems, but will not prevent the continued inflow of sediment.

It is conceivable the total cost of dredging Cheesman Reservoir will exceed $20 million.

These examples are just a few of the tragedies created by the fires. Glenwood Springs, Durango, Steamboat and many more, have suffered as well. Yet the quiet tragedy of the fires will not be revealed for years—what have we done to the ecosystem, to habitat, and wildlife? Only after thousands of hours of human capital investment and millions of dollars in rehabilitation will we know.

We all value protection of our forests and the natural beauty of our land. But we can no longer respond and react—we must take the steps to achieve a healthy balance and return our forests to a state of good health.

We are facing some serious problems. My feeling on this is that the forest managers themselves—they are scientists—know how to best manage our environment. I think we need to give them some more latitude in practicing good science and protecting forest health.

I will elaborate on this a little later.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for not to exceed 2 minutes before the Senate reverts to the homeland security bill.

The PRESIDING OFFICER. Is there objection?

Mr. THOMPSON. Mr. President, reserving the right to object—I will not object—I wonder if we could agree that the time would not go against either side with regard to the debate of this amendment. I ask unanimous consent it not go against either side.

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

The Senator from West Virginia.

Mr. BYRD. Mr. President, I seek the floor at this time to ask unanimous consent that the pending amendment be set aside temporarily so that I may offer this amendment on behalf of myself and Mr. STEVENS.

Mr. PRESIDING OFFICER. Is there objection?

Mr. CRAIG. Mr. President, reserving the right to object, is it my understanding that we would still allow the Craig-Domenici amendment to be in place when we return?

Mr. BYRD. Absolutely.

Mr. CRAIG. I will not object.

Mr. DOMENICI. I would like to know what it is.

Mr. BYRD. It will take me a little longer than 2 minutes.

Mr. DOMENICI. Let me ask if it has to do with the budget or is in any way trying to perfect the budget.

Mr. BYRD. No. I think the Senator from New Mexico will embrace the amendment.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Mr. President, I ask unanimous consent that the 2 minutes I asked for be extended to 4 minutes so that we would have two additional amendments and I may show this amendment to the Senator from New Mexico.

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

Mr. DOMENICI. I thank the Senator.

Mr. BYRD. Mr. President, if the Chair will withhold temporarily until the distinguished Senator from New Mexico has looked at the amendment.

Mr. President, I renew my request.

Mr. DOMENICI. I have no objection. I have looked at it.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

AMENDMENT NO. 4532 TO AMENDMENT NO. 4472

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 4532 to amendment No. 4472.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide critical emergency supplemental appropriations)

At the appropriate place in Byrd Amendment No. 4472 insert the following:

TITLE —SUPPLEMENTAL APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Office of the Secretary'', $18,000,000, to remain available until expended: *Provided,* That the Secretary shall transfer these funds to the Agricultural Research Service, the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, and/or the Food Safety and Inspection Service: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 2

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

COMMUNITY ORIENTED POLICING SERVICES

For an amount to establish the Community Oriented Policing Services' Interoperable Communications Technology Program in consultation with the Office of Science and Technology within the National Institute of Justice, and the Bureau of Justice Assistance, for emergency expenses for activities related to combating terrorism by providing grants to States and localities to improve communications within, and among, law enforcement agencies, $50,000,000, to remain available until expended: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF STATE

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance,'' for emergency expenses for activities related to combating international terrorism, $10,000,000, to remain available until expended: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia for public safety expenses related to security events in the District of Columbia, $12,000,000, to remain available until December 1, 2003: *Provided,* That the Chief Financial Officer of the District of Columbia shall provide a report, within 15 days of an expenditure, to the Committees on Appropriations of the House of Representatives and Senate, detailing any expenditure of these funds: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 4

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for ''science'' for emergency expenses necessary to support safeguards and security activities, $11,350,000: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for ''Weapons Activities'' for emergency expenses, $138,650,000: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(B)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 5

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for ''Child Survival and Health Programs Fund'' for emergency expenses for activities related to combating HIV/AIDS, tuberculosis, and malaria, $200,000,000, to remain available until June 30, 2003: *Provided,* That such activities should include maternal health and related assistance in communities heavily impacted by HIV/AIDS: *Provided further,* That additional assistance should be provided to prevent transmission, of HIV/AIDS from mother to child: *Provided further,* That of the funds appropriated under this heading in this Act, not less than $100,000,000 should be made available for a further United States contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria: *Provided further,* That the cumulative amount of United States contributions to the Global Fund may not exceed the total resources provided by other donors and available for use by the Global Fund as of December 31, 2002: *Provided further,* That of the funds appropriated under this heading, up to $6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading ''Operating Expenses of the United States Agency for International Development'' for costs directly related to international health: *Provided further,* That funds appropriated by this paragraph shall be appropriated to the United States Agency for International Development, and the authority of sections 632(a) or 632(b) of the Foreign Assistance Act of 1961, or any similar provision of law, may not be used to transfer or allocate any part of such funds to any agency of the United States Government: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* That the funds appropriated under his heading shall be subject to the regular notification procedures of the Committee on Appropriations.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for ''Construction'', $17,651,000, to remain available until expended: *Provided,* That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Public Health and Social Services Emergency Fund'' for baseline and follow-up screening and clinical examination, long term health monitoring and analysis for the emergency services personnel, rescue and recovery personnel, $9,000,000, to remain available until expended, of which no less than $25,000,000 shall be available for current and retired firefighters: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount to enable the Federal Aviation Administrator to compensate airports for the direct costs associated with new, additional, or revised security requirements imposed on airport operators by the Administrator on or after September 11, 2001, notwithstanding any other provision of law, $150,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 9

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses,'' $39,000,000, to remain available until expended: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCY

CHAPTER 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for ''Emergency management planning and assistance'' for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $200,000,000, to remain available until September 30, 2003, of which $150,000,000 is for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.); and $50,000,000 for interoperable communications equipment: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. BYRD. Mr. President, on Tuesday, September 10, 2002, the Attorney General announced an increase in the national threat level to the ''High Risk'' level. The President accepted the recommendation based on what the Attorney General described as specific intelligence received and analyzed by the full intelligence community and corroborated by multiple intelligence sources.

The Attorney General indicated that the likely targets include the transportation and energy sectors and symbols of American power such as U.S. embassies, U.S. military facilities and national monuments.

I intend to offer an amendment to the Interior bill for $937 million of supplemental funding. The package includes $647 million of homeland security funding that draws from the $5.1 billion emergency contingency fund that the President rejected those items that are most directly related to the increased threat. In addition, the amendment includes $200 million for international AIDS programs as was approved by the Senate 79–14 when Senator FRIST offered the amendment last June. The amendment also includes $90 million that the Congress had previously approved for providing long-term health screening and examinations for the emergency personnel who responded to the attack at the World Trade Center.

The Office of Management and Budget currently estimates that there is $940 million available under the discretionary caps for fiscal year 2002 budget authority. Therefore, this amendment does not require an emergency designation by the President. If the President signs the bill, the funds will be made available.

Highlights of the $937 million package include $150 million for security at our nuclear plants and labs, $150 million for the direct costs of new security requirements for our Nation's airports, $150 million to equip and train our Nation's firefighters for dealing with weapons of mass destruction and other threats, $100 million for grants to fire and police departments to improve the interoperability of their communications equipment, $39 million for the Customs Service for improved border security, $17.7 million for increased security at the Washington Monument and Jefferson Memorial, $18 million for USDA for securing biohazardous materials, $12 million for DC for law enforcement costs of the September 28 IMF conference and other national security events, $10 million for embassy security, $200 million for international AIDS, tuberculosis and malaria services, and $90 million for long-term health monitoring of World Trade Center first responders.

I thank the Chair, and I thank all Senators.

The PRESIDING OFFICER. The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Mr. President, the Chair will shortly report H.R. 5005. This morning when the order was entered, we did not know if anyone would oppose either amendment. I have been advised that the comanager of this legislation is going to oppose the Hollings amendment. I, therefore, ask the Chair to designate the Senator from Tennessee as the person controlling the time against the Hollings amendment.

The PRESIDING OFFICER. The Chair will do so.

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will now resume consideration of H.R. 5005, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

Lieberman Amendment No. 4471, in the nature of a substitute.

Thompson/Warner Amendment No. 4513 (to Amendment No. 4471), to strike title II, establishing the National Office for Combating Terrorism, and title III, developing the National Strategy for Combating Terrorism and Homeland Security Response for detection, prevention, protection, response, and recover to counter terrorist threats.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized to offer an amendment.

AMENDMENT NO. 4533 TO AMENDMENT NO. 4471

Mr. HOLLINGS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. Hollings] proposes an amendment numbered 4533 to amendment No. 4471.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the membership and advisors of the National Security Council)

At the end of subtitle D of title I, add the following;

SEC. 173. MODIFICATION OF MEMBERSHIP AND ADVISORS OF NATIONAL SECURITY COUNCIL.

(a) MEMBERS.—Subsection (a) of section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended—

(1) in the fourth undesignated paragraph, by redesignating clauses (1) through (6) as subparagraphs (A) through (G), respectively;

(2) by designating the undesignated paragraphs as paragraphs (1) through (4), respectively; and

(3) in paragraph (4), as so designated—

(A) by striking subparagraphs (E) and (F) and inserting the following new subparagraphs:

''(E) the Attorney General;

''(F) the Secretary of Homeland Security; and''; and

(B) in subparagraph (G), as so redesignated, by striking ''the Chairman of the Munitions Board,'' and all that follows and inserting ''to serve at the pleasure of the President.''.

(b) ADVISORS.—That section is further amended—

(1) by redesignating subsections (g) through (j) and subsection (i), as added by section 301 of the International Religious Freedom Act of 1998 (Public Law 105–292; 112 Stat. 2800), as subsections (i) through (m), respectively;

(2) by transferring subsection (l) (relating to the participation of the Director of Central Intelligence on the National Security Council), as so redesignated, to appear after subsection (f) and redesignating such subsection, as so transferred, as subsection (g); and

(3) by inserting after subsection (g), as so transferred and redesignated, the following new subsections:

''(h) The Director of the Federal Bureau of Investigation may, in the performance of the Director's duties as the head of the Federal Bureau of Investigation and subject to the direction of the President, attend and participate in meetings of the National Security Council.''

Mr. REID. Mr. President, will the Senator withhold for a parliamentary inquiry?

Mr. HOLLINGS. Yes.

Mr. REID. Mr. President, I have been speaking to the manager of the bill, Senator LIEBERMAN. We have two amendments pending. Senator THOMPSON opposes the Hollings amendment. It would seem that the Senator from Tennessee should have one-half hour in opposition to that amendment. Senator LIEBERMAN opposes the Thompson amendment. He should have one-half hour in opposition to that. If the two managers agree with that, we should have that in the form of an order so somebody can designate the time on it.

The PRESIDING OFFICER. That is the understanding of the Chair.

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, I thank the distinguished Chair.

This amendment is so simple that it becomes suspicious, in a sense. All I amend here is the National Security Council so as to include the Attorney General, the future Secretary of Homeland Security, and the Director of the

FBI in an advisory position similar to the CIA as presently included in the 1947 law. The reason for this, of course, is to get not only the responsibility of the Council fixed, but more particularly to realize now that domestic threats are far greater than any international threats. I don't believe Russia is going to attack us. I don't think China is going to attack us. I don't think Saddam, after all he has heard about us attacking him, is going to attack us, except perhaps maybe overseas but not the homeland. But homeland security must be emphasized.

Let me refer immediately to that section of the 1947 act signed by President Harry Truman on July 26, 1947. I quote:

> The functioning of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the government to cooperate more effectively in matters involving the national security.

In other words, the function of joining all the dots is with the National Security Council.

You have all these entities now, here with a new one, to take certain analyses: the Department of Homeland Security. But you still have the CIA, the FBI, the National Security Agency. You have intelligence sections of the State Department. They are all over the Government; Intelligence Committees within the Congress, and everything else like that. Wherein is the responsibility fixed to join the dots?

Harry Truman said it best in 1947. He said: ''The buck stops here.'' So my particular amendment is to fix that responsibility, and assist the President, so there would be no misunderstanding.

Incidentally, only the President of the United States can change this culture of the so-called ''need to know.'' I speak advisedly. I was in the intelligence game back in the 1950s. I was a member of the Hoover Commission. We investigated the CIA, the FBI, the Army, Navy, Air Force intelligence, the Defense Department, the Secret Service, the Q clearance, the atomic energy intelligence, and all the other functions.

I will never forget, in October of 1962, I got a call from my friend who would later operate this desk as a Senator, Bobby Kennedy. Bobby said: I would like to get that report from you with respect to this Cuban missile crisis, and the background on it. I turned over my report, my particular one. I never have gotten it back.

But, in any event, the glaring error that persists this minute is that there are no joining of the dots, people are not talking to each other. Intelligence has gone like economics and trade—globalization, globalization. I cannot emphasize that too much in the little bit of time that is given me.

Immediately after 9/11 the CIA, the FBI, the various intelligence agencies said: Oh, this was a surprise. They could know nothing about a plane going into a building.

Let me talk about terrorism and give you a dateline:

The bombing of the U.S. Embassy in Beirut in April 1983 by the Islamic Jihad; the bombing of the Marine barracks in Beirut in October 1983, also by the Islamic terrorists; the Hezbollah restaurant bombing in April 1984; the Naples USO attack in April 1988; the attempted Iraqi attacks on U.S. posts on January 18 and 19 of 1991; the World Trade Center bombing in February of 1993; the attempted assassination of President Bush by Iraqi agents in April of 1993; the attack on U.S. diplomats in Pakistan in March of 1995; the Khobar Towers bombing in June of 1996; the U.S. Embassy bombings in Nairobi, Kenya, and Dar es Salaam, Tanzania, in 1998; the attack on the U.S.S. *Cole* in October of 2000; and the terrorist attacks on, of course, September 11. And they have not stopped. We have the car bombing outside the U.S. consulate in Karachi, Pakistan, in June of 2002.

Mr. President, I ask unanimous consent this document be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TERRORISM TIMELINE

Bombing of U.S. Embassy in Beirut, April 18, 1983: Sixty-three people, including the CIA's Middle East director, were killed, and 120 were injured in a 400-pound suicide truck-bomb attack on the U.S. Embassy in Beirut, Lebanon. The Islamic Jihad claimed responsibility.

Bombing of Marine Barracks, Beirut, October 23, 1983: Simultaneous suicide truck-bomb attacks were made on American and French compounds in Beirut, Lebanon. A 12,000-pound bomb destroyed the U.S. compound, killing 242 Americans, while 58 French troops were killed when a 400-pound device destroyed a French base. Islamic Jihad claimed responsibility.

Hizballah Restaurant Bombing, April 12, 1984: Eighteen U.S. servicemen were killed, and 83 people were injured in a bomb attack on a restaurant near a U.S. Air Force Base in Torrejon, Spain. Responsibility was claimed by Hizballah.

Naples USO Attack, April 14, 1988: The Organization of Jihad Brigades exploded a car bomb outside a USO Club in Naples, Italy, killing one U.S. sailor.

Attempted Iraqi Attacks on U.S. Posts, January 18–19, 1991: Iraqi agents planted bombs at the U.S. Ambassador to Indonesia's home residence at the USIS library in Manila.

World Trade Center Bombing, February 26, 1993: The World Trade Center in New York City was badly damaged when a car bomb planted by Islamic terrorists explodes in an underground garage. The bomb left six people dead and 1,000 injured. The men carrying out the attack were followers of Umar and Abd al-Rahman, an Egyptian cleric who preached in the New York City area.

Attempted Assassination of President Bush by Iraqi Agents, April 14, 1993: The Iraqi intelligence service attempted to assassinate former U.S. President George Bush during a visit to Kuwait. In retaliation, the U.S. launched a cruise missile attack 2 months later on the Iraqi capital Baghdad.

Attack on U.S. Diplomats in Pakistan, March 8, 1995: Two unidentified gunmen killed two U.S. diplomats and wounded a third in Karachi, Pakistan.

Khobar Towers Bombing, June 25, 1996: A fuel truck carrying a bomb exploded outside the U.S. military's Khobar Towers housing facility in Dharhran, killing 19 U.S. military personnel and wounding 515 persons, including 240 U.S. personnel. Several groups claimed responsibility for the attack.

U.S. Embassy Bombings in East Africa, August 7, 1998: A bomb exploded at the rear entrance of the U.S. embassy in Nairobi, Kenya, killing 12 U.S. citizens, 32 Foreign Service Nationals (FSNs), and 247 Kenyan citizens. About 5,000 Kenyans, six U.S. citizens, and 13 FSNs were injured. The U.S. embassy building sustained extensive structural damage. Almost simultaneously, a bomb detonated outside the U.S. embassy in Dar es Salaam, Tanzania, killing seven FSNs and three Tanzanian citizens, and injuring one U.S. citizen and 76 Tanzanians. The explosion caused major structural damage to the U.S. embassy facility. The U.S. Government held Usama Bin Ladin responsible.

Attack on U.S.S. *Cole*, October 12, 2000: In Aden, Yemen, a small dingy carrying explosives rammed the destroyer U.S.S. *Cole*, killing 17 sailors and injuring 39 others. Supporters of Usama Bin Ladin were suspected.

Terrorist Attacks on U.S. Homeland, September 11, 2001: Two hijacked airliners crashed into the twin towers of the World Trade Center. Soon thereafter, the Pentagon was struck by a third hijacked plane. A fourth hijacked plane, suspected to be bound for a high-profile target in Washington, crashed into a field in southern Pennsylvania. More than 5,000 U.S. citizens and other nationals were killed as a result of these acts. President Bush and Cabinet officials indicated that Usama Bin Laden was the prime suspect and that they considered the United States in a state of war with international terrorism. In the aftermath of the attacks, the United States formed the Global Coalition Against Terrorism.

Car Bombing outside U.S. Consulate, June 14, 2002: A suicide bomber drives a car filled with explosives into a guard post outside the U.S. consulate in Karachi, Pakistan, killing 11 Pakistanis and injuring at least 45 people, including one U.S. Marine who is slightly wounded by flying debris.

Mr. HOLLINGS. Now, they say: Well, Senator, you point all those things out. But, after all, we didn't know anything about a plane going into a building.

Well, in December 1994, the al-Qaida hijacked an Air France plane that was headed into the Eiffel Tower. Who has not heard of flying a plane into a structure?

In 1995, the CIA was hot on the Philippines and thwarted the blowup or the crashing of eight planes at one particular time. They learned of the plan to do what? To crash a plane into the CIA building. That was back 6 years before 9/11.

And then, in January of 2000, in Malaysia, there was an article with respect to al-Qaida. Let me read from the article. I quote:

> At the time, the men had no idea that they were being closely watched—or that the CIA already knew some of their names. A few days earlier, U.S. intelligence had gotten wind of the Qaeda gathering. Special Branch, Malaysia's security service, agreed to follow and photograph the suspected terrorists. They snapped pictures of the men sightseeing and ducking into cybercafes to check Arabic Web sites. What happened next, some U.S. counterterrorism officials say, may be

the most puzzling, and devastating, intelligence in the critical months before September 11. A few days after the Kuala Lumpur meeting . . . the CIA tracked one of the terrorists, Nawaf Alhazmi as he flew from the meeting to Los Angeles. Agents discovered that another of the men, Khalid Almihdhar, had already obtained a multiple-entry visa that allowed him to enter and leave the United States as he pleased. (They later learned that he had in fact arrived in the United States on the same flight as Alhazmi.)

Yet astonishingly, the CIA did nothing with this information. Agency officials didn't tell the INS, which could have turned them away at the border. Nor did they notify the FBI, which could have covertly tracked them to find out their mission. Instead, during the year and nine months after the CIA identified them as terrorists, Alhazmi and Almihdhar lived openly in the United States, using their real names, obtaining driver's licenses, opening bank accounts and enrolling in flight schools—until the morning of September 11, when they walked aboard American Airlines Flight 77 and crashed it into the Pentagon.

Mr. President, I ask unanimous consent that this article be printed in the RECORD, in addition to another article of this particular week where we had an informant from the CIA who was staying with them all the time. And when he heard that they were the names, he said: Oh, I knew them. Yeah, they were terrorists and everything else.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsweek, June 10, 2002]

THE HIJACKERS WE LET ESCAPE

(By Michael Isikoff and Daniel Klaidman)

The CIA tracked two suspected terrorists to a Qaeda summit in Malaysia in January 2000, then looked on as they re-entered America and began preparations for September 11. Why didn't somebody try to stop them? Inside what may be the worst intelligence failure of all. A Newsweek exclusive.

Kuala Lumpur is an easy choice if you're looking to lie low. Clean and modern, with reliable telephones, banks and Internet service, the Malaysian city is a painless flight from most world capitals—and Muslim visitors don't need visas to enter the Islamic country. That may explain why Al Qaeda chose the sprawling metropolis for a secret planning summit in early January 2000. Tucked away in a posh suburban condominium overlooking a Jack Nicklaus-designed golf course, nearly a dozen of Osama bin Laden's trusted followers, posing as tourists, plotted future terrorist strikes against the United States.

At the time, the men had no idea that they were being closely watched—or that the CIA already knew some of their names. A few days earlier, U.S. intelligence had gotten wind of the Qaeda gathering. Special Branch, Malaysia's security service, agreed to follow and photograph the suspected terrorists. They snapped pictures of the men sightseeing and ducking into cybercafes to check Arabic Web sites. What happened next, some U.S. counterterrorism officials say, may be the most puzzling, and devastating, intelligence in the critical months before September 11. A few days after the Kuala Lumpur meeting, Newsweek has learned, the CIA tracked one of the terrorists, Nawaf Alhazmi, as he flew from the meeting to Los Angeles. Agents discovered that another of the men, Khalid Almihdhar, had already obtained a multiple-entry visa that allowed him to enter and leave the United States as he pleased. (They later learned that he had in fact arrived in the United States on the same flight as Alhazmi.)

Yet astonishingly, the CIA did nothing with this information. Agency officials didn't tell the INS, which could have turned them away at the border, nor did they notify the FBI, which could have covertly tracked them to find out their mission. Instead, during the year and nine months after the CIA identified them as terrorists, Alhazmi and Almihdhar lived openly in the United States, using their real names, obtaining driver's licenses, opening bank accounts and enrolling in flight schools—until the morning of September 11, when they walked aboard American Airlines Flight 77 and crashed it into the Pentagon.

Unitl now, the many questions about intelligence shortcomings leading up to the attacks have focused on the FBI's clear failure to connect various vague clues that might have put them on the trail of the terrorists. Last week, in the aftermath of Minnesota agent Coleen Rowley's scathing letter ripping the FBI for ignoring warnings from the field, Director Robert Mueller announced a series of reforms aimed at modernizing the bureau.

All along, however, the CIA's Counterterrorism Center—base camp for the agency's war on bin Laden—was sitting on information that could have led federal agents right to the terrorists' doorstep. Almihdhar and Alhazmi, parading across America in plain sight, could not have been easier to find. Newsweek has learned that when Almihdhar's visa expired, the State Department, not knowing any better, simply issued him a new one in June 2001—even though by then the CIA had linked him to one of the suspected bombers of the USS Cole in October 2000. The two terrorists' frequent meetings with the other September 11 perpetrators could have provided federal agents with a road map to the entire cast of 9–11 hijackers. But the FBI didn't know it was supposed to be looking for them until three weeks before the strikes, when CIA Director George Tenet, worried an attack was imminent, ordered agency analysts to review their files. It was only then, on Aug. 23, 2001, that the agency sent out an all-points bulletin, launching law-enforcement agents on a frantic and futile search for the two men. Why didn't the CIA share its information sooner? ''We could have done a lot better, that's for sure,'' one top intelligence official told Newsweek.

The CIA's belated and reluctant admission now makes it impossible to avoid the question that law-enforcement officials have tried to duck for weeks: could we have stopped them? Tenet has vigorously defended his agency's performance in the months before the attacks. In February he told a Senate panel that he was ''proud'' of the CIA's record. He insisted that the terrorist strikes were not due to a ''failure of attention, and discipline, and focus, and consistent effort—and the American people need to understand that.'' Yet last week intelligence officials acknowledged that the agency made at least one mistake: failing to notify the State Department and the INS, so the men could have been stopped at the border.

CIA officials, who have been preparing for the start of Senate intelligence committee hearings this week, seem at a loss to explain how this could have happened. The CIA is usually loath to share information with other government agencies, for fear of compromising ''sources and methods.'' CIA officials also say that at the time Almihdhar and Alhazmi entered the country in January 2000, they hadn't yet been identified as bin Laden terrorists—despite their attendance at the Malaysia meeting. ''It wasn't known for sure that they were Al Qaeda bad-guy operators,'' says one official.

CIA officials also point out that FBI agents assigned to the CIA's Counterterrorism Center were at least informed about the Malaysia meeting and the presence of Almihdhar and Alhazmi at the time it occurred. But FBI officials protest that they only recently learned about the most crucial piece of information: that the CIA knew Alhazmi was in the country, and that Almihdhar could enter at will. ''That was unforgivable,'' said one senior FBI official. This led to a series of intense and angry encounters among U.S. officials in the weeks after September 11. At one White House meeting last fall, Wayne Griffith, a top State Department consular official, was so furious that his office hadn't been told about the two men that he blew up at a CIA agent. (Griffith declined to comment.)

To bolster their case, FBI officials have now prepared a detailed chart showing how agents could have uncovered the terrorist plot if they had learned about Almihdhar and Alhazmi sooner, given their frequent contact with at least five of the other hijackers. ''There's no question we could have tied all 19 hijackers together,'' the official said.

It was old-fashioned interrogation and eavesdropping that first led U.S. intelligence agents to the Qaeda plotters. In the summer of 1998, only a couple of weeks after bin Laden operatives truck-bombed two U.S. Embassies in Africa, the FBI got a break: one of the Nairobi bombers had been caught. Muhammad Rashed Daoud al-Owhali, a young Saudi from a wealthy family who became a fierce bin Laden loyalist, was supposed to have killed himself in the blast. Instead, he got out of the truck at the last moment and fled. He was arrested in a seedy Nairobi hotel, waiting for his compatriots to smuggle him out of the country.

Questioned by the FBI, al-Owhali made a detailed confession. Among the information he gave agents was the telephone number of a Qaeda safe house in Yemen, owned by a bin Laden loyalist named Ahmed Al-Hada (who, it turns out, was also Almihdhar's father-in-law).

U.S. intelligence began listening in on the telephone line of the Yemen house, described in government documents as a Qaeda ''logistics center,'' where terrorist strikes—including the Africa bombings and later the *Cole* attack in Yemen—were planned. Operatives around the world phoned Al-Hada with information, which was then relayed to bin Laden in the Afghan mountains.

In late December 1999, intercepted conversations on the Yemen phone tipped off agents to the January 2000 Kuala Lumpur summit, and to the names of at least two of its participants: Almihdhar and Alhazmi. The condo where the meeting took place was a weekend getaway owned by Yazid Sufaat, a U.S.-educated microbiologist who had become a radical Islamist and bin Laden follower. He was arrested last December when he returned from Afghanistan, where he had served as a field medic for the Taliban. Sufaat's lawyer says his client let the men stay at his place because ''he believes in allowing his property to be used for charitable purposes.'' But he claims Sufaat had no idea that they were terrorists.

After the meeting, Malaysian intelligence continued to watch the condo at the CIA's request, but after a while the agency lost interest. Had agents kept up the surveillance, they might have observed another beneficiary of Sufaat's charity: Zacarias Moussaoui, who stayed there on his way to the United States later that year. The Malaysians say they were surprised by the CIA's

lack of interest following the Kuala Lumpur meeting. ''We couldn't fathom it, really,'' Rais Yatim, Malaysia's Legal Affairs minister, told Newsweek. ''There was no show of concern.''

Immediately after the meeting, Alhazmi boarded a plane to Bangkok, where he met a connecting flight to Los Angeles on Jan. 15, 2000. Since the CIA hadn't told the State Department to put his name on the watch list of suspected terrorists, or told the INS to be on the lookout for him, he breezed through the airport and into America. Almihdhar was also on the plane, though CIA agents did not know it at the time.

The CIA is forbidden from spying on people inside the United States. Had it followed standard procedure and passed the baton to the FBI once they crossed the border, agents would have discovered that Almihdhar and Alhazmi weren't just visiting California, they were already living there. The men had moved into an apartment in San Diego two months before the Kuala Lumpur meeting.

The CIA's reluctance to divulge what it knew is especially odd because, as 2000 dawned, U.S. law-enforcement agencies were on red alert, certain that a bin Laden strike somewhere in the world could come at any moment. There was certainly reason to believe bin Laden was sending men here to do grave harm. Just a few weeks before, an alert Customs inspector had caught another Qaeda terrorist, Ahmed Ressam, as he tried to cross the Canadian border in a rental car packed with explosives. His mission: to blow up Los Angeles airport. Perhaps agency officials let down their guard after warnings about a Millennium Eve attack never materialized. Whatever the reason, Alhazmi and Almihdhar fell off their radar screen.

Free to do as they pleased, the 25-year-old Alhazmi and 26-year-old Almihdhar went about their terrorist training in southern California. They told people they were buddies from Saudi Arabia hoping to learn English and become commercial airline pilots. The cleanshaven Alhazmi and Almihdhar played soccer in the park with other Muslim men and prayed the required five times a day at the area mosque. They bought season passes to Sea World and dined on fast food, leaving the burger wrappers strewn around their sparsely furnished apartment. And, despite their religious convictions, the men frequented area strip clubs. Neighbors found it odd that the men would rarely use the telephones in their apartment. Instead, they routinely went outside to make calls on mobile phones.

People who knew the men recall that they couldn't have been more different. Alhazmi was outgoing and cheerful, making friends easily. He once posted an ad online seeking a Mexican mail-order bride, and worked diligently to improve his English. By contrast, Almihdhar was dark and brooding, and expressed disgust with American culture. One evening, he chided a Muslim acquaintance for watching ''immoral'' American television. ''If you're so religious, why don't you have facial hair?'' the friend shot back, Almihdhar patted him condescendingly on the knee. ''You'll know someday, brother,'' he said.

Neither man lost sight of the primary mission: learning to fly airplanes. Almihdhar and Alhazmi took their flight lessons seriously, but they were impossible to teach. Instructor Rick Garza at Sorbi's Flying Club gave both men a half-dozen classes on the ground before taking them up in a single-engine Cessna in May. ''They were only interested in flying big jets,'' Garza recalls. But Garza soon gave up on his hapless students. ''I just thought they didn't have the aptitude,'' he says. ''They were like Dumb and Dumber.''

Had law-enforcement agents been looking for Alhazmi and Almihdhar at the time, they could have easily tracked them through bank records. In September 2000, Alhazami opened a $3,000 checking account at a Bank of America branch. The men also used their real names on driver's licenses, Social Security cards and credit cards. When Almihdhar bought a dark blue 1988 Toyota Corolla for $3,000 cash, he registered it in his name. (He later signed the registration over to Alhazmi, whose name was on the papers when the car was found at Dulles International Airport on September 11.) Of course, agents might have used another resource to pinpoint their location: the phone book, Page 13 of the 2000–2001 Pacific Bell White Pages contains a listing for ''alhazmi Nawaf M 6401 Mount Ada Rd. 858–279–5919.''

By then, though, the case seems to have gotten lost deep in the CIA's files. But Almihdhar's name and face surfaced yet again, in the aftermath of the October 2000 bombing of the *Cole*. Within days of the attack, a team of FBI agents flew to Yemen to investigate. They soon began closing in on suspects. One was a man called Tawfiq bin Attash, a.k.a. Khallad, a fierce, one-legged Qaeda fighter. When analysts at the CIA's Counterterrorism Center in Langley, Va., pulled out the file on Khallad, they discovered pictures of him taken at the Kuala Lumpur meeting. In one of the shots, he is standing next to Almihdhar.

If, as the CIA now claims, it wasn't certain that Almihdhar had terrorist connections, it certainly knew it now. And yet the agency still did nothing and notified no one.

In mid- to late 2000, Almihdhar left San Diego for good. It appears that he spent the next several months bouncing around the Middle East and Southeast Asia. While he was away, his visa expired—a potentially big problem. Yet since the CIA was still not sharing information about Almihdhar's Qaeda connections, the State Department's Consular Office in Saudi Arabia simply rubber-stamped him a new one.

Almihdhar returned to the United States on July 4, 2001, flying into New York. He spent at least some of the time leading up to September traveling around the East Coast and, at least once, meeting with Mohamed Atta and other September 11 plotters in Las Vegas.

Meanwhile, Alhazmi, having flunked out of two California flight schools, decided to try his luck in Phoenix in early 2001. There he hooked up with Qaeda terrorist in training, Hani Hanjour, who eventually piloted Flight 77. In April 2001 Alhazmi headed east, and was pulled over for speeding. Oklahoma State Trooper C. L. Parkins ran Alhazmi's California driver's license through the computer, checked to see if the car was stolen and made sure there wasn't a warrant out for Alhazmi's arrest. When nothing came up, he issued the terrorist two tickets, totaling $138, and sent him on his way. (The tickets were not discovered until after 9–11.) Like Almihdhar, Alhazmi eventually went east, spending time in New Jersey and Maryland. On Aug. 25, he used his credit card to purchase two tickets for Flight 77.

Two days earlier, CIA officials finally, and frantically, awoke to their mistake. That summer, as U.S. intelligence picked up repeated signals that bin Laden was about to launch a major assault, Tenet ordered his staff to scrub the agency's files, looking for anything that might help them thwart whatever was coming. It didn't take long to discover the file on Almihdhar and Alhazmi. CIA officials checked with the INS, only to discover that Almihdhar had traveled out of the country, and was allowed back in on his new visa. On Aug. 23, the CIA sent out an urgent cable, labeled immediate, to the State Department, Customs, INS and FBI, telling them to put the two men on the terrorism watch list.

The FBI began an aggressive, ''full field'' investigation. Agents searched all nine Marriott hotels in New York City, the place Almihdhar had listed as his ''destination'' on his immigration forms in July. They also searched hotels in Los Angeles, where the two men originally entered the country back in 1999. But it's unclear whether agents scoured public records for driver's licenses and phone numbers or tried to track plane-ticket purchases. In preparation for their mission, the men had gone to ground.

Now, amid the escalating blame wars in Washington, federal agents are left to wonder how different things might have been if they'd started that search nearly two years before. The FBI's claim that it could have unraveled the plot by watching Alhazmi and Almihdhar, and connecting the dots between them and the other terrorists, seems compelling.

The links would not have been difficult to make: Alhazmi met up with Hanjour, the Flight 77 pilot, in Phoenix in late 2000; six months later, in May 2001, the two men showed up in New Jersey and opened shared bank accounts with two other plotters, Ahmed Alghamdi and Majed Moqed. The next month, Alhazmi helped two other hijackers, Salem Alhazmi (his brother) and Abdulaziz Alomari, open their own bank accounts. Two months after that, in August 2001, the trail would have led to the pilot's ringleader, Mohamed Atta, who had bought plane tickets for Moqed and Alomari. What's more, at least several of the hijackers had traveled to Las Vegas for a meeting in summer 2001, just weeks before the attacks. ''It's like three degrees of separation,'' insists an FBI official.

But would even that have been enough? There's no doubt that Alhazmi and Almihdhar could have been stopped from coming into the country if the CIA had shared its information with other agencies. But then two other hijackers could have been sent to take their place. And given how little the FBI understood Al Qaeda's way of operating—and how it managed to mishandle the key clues it did have—it's possible that agents could have identified all 19 hijackers and still not figured out what they were up to. That, one former FBI official suggests, could have led to the cruelest September 11 scenario of all: ''We would have had the FBI watching them get on the plane in Boston and calling Los Angeles,'' he says. '''Could you pick them up on the other end?'''

[From Newsweek, Sept. 16, 2002]

THE INFORMANT WHO LIVED WITH THE HIJACKERS

(By Michael Isikoff with Jamie Reno)

At first, FBI director Bob Mueller insisted there was nothing the bureau could have done to penetrate the 9–11 plot. That account has been modified over time—and now may change again. Newsweek has learned that one of the bureau's informants had a close relationship with two of the hijackers: he was their roommate.

The connection, just discovered by congressional investigators, has stunned some top counterterrorism officials and raised new concerns about the information-sharing among U.S. law-enforcement and intelligence agencies. The two hijackers, Khalid Almihdhar and Nawaf Alhazmi, were hardly unknown to the intelligence community. The CIA was first alerted to them in January 2000, when the two Saudi nationals showed up at a Qaeda ''summit'' in Kuala Lumpur, Malaysia. FBI officials have argued internally for months that if the CIA had more quickly passed along everything it knew about the two men, the bureau could have hunted them down more aggressively.

But both agencies can share in the blame. Upon leaving Malaysia, Almihdhar and Alhazmi went to San Diego, where they took flight-school lessons. In September 2000, the two moved into the home of a Muslim man who had befriended them at the local Islamic Center. The landlord regularly prayed with them and even helped one open a bank account. He was also, sources tell Newsweek, a ''tested'' undercover ''asset'' who had been working closely with the FBI office in San Diego on terrorism cases related to Hamas. A senior law-enforcement official told Newsweek the informant never provided the bureau with the names of his two houseguests from Saudi Arabia. Nor does the FBI have any reason to believe the informant was concealing their identities. (He could not be reached for comment.) But the FBI concedes that a San Diego case agent appears to have been at least aware that Saudi visitors were renting rooms in the informant's house. (On one occasion, a source says, the case agent called up the informant and was told he couldn't talk because ''Khalid''—a reference to Almidhdhar—was in the room.). I. C. Smith, a former top FBI counterintelligence official, says the case agent should have been keeping closer tabs on who his informant was fraternizing with—if only to seek out the houseguests as possible informants. ''They should have been asking, 'Who are these guys? What are they doing here?' This strikes me as a lack of investigative curiosity.'' About six weeks after moving into the house, Almidhdhar left town, explaining to the landlord he was heading back to Saudi Arabia to see his daughter. Alhazmi moved out at the end of 2000.

In the meantime, the CIA was gathering more information about just how potentially dangerous both men were. A few months after the October 2000 bombing of the USS *Cole* in Yemen, CIA analysts discovered in their Malaysia file that one of the chief suspects in the *Cole* attack—Tawfiq bin Attash—was present at the ''summit'' and had been photographed with Almihdhar and Alhazmi. But it wasn't until Aug. 23, 2001, that the CIA sent out an urgent cable to U.S. border and law-enforcement agencies identifying the two men as ''possible'' terrorists. By then it was too late. The bureau did not realize the San Diego connection until a few days after 9–11, when the informant heard the names of the Pentagon hijackers and called his case agent. ''I know those guys,'' the informant purportedly said, referring to Almihdhar and Alhazmi. ''They were my roommates.''

But the belated discovery has unsettled some members of the joint House and Senate Intelligence Committees investigating the 9–11 attacks. The panel is tentatively due to begin public hearings as early as Sept. 18, racing to its end-of-the-year deadline. But some members are now worried that they won't get to the bottom of what really happened by then. Support for legislation creating a special blue-ribbon investigative panel, similar to probes conducted after Pearl Harbor and the Kennedy assassination, is increasing. Only then, some members say, will the public learn whether more 9–11 secrets are buried in the government's files.

Mr. HOLLINGS. So what you have, in January of 2000, is not only the informant, the CIA had the information. Again, like I said, they did not communicate it. The dots are never going to get joined. I can see poor Condoleezza Rice standing up and saying: We didn't have anything specific. We didn't have anything specific. She will never get anything specific. She will not get a phone call saying, ''We are coming,'' like we have already called Saddam with. We have told him, ''We are coming.'' But that is not the way the world works with the al-Qaida crowd.

So right to the point, on July 10, 2001, the FBI learned about the Phoenix, AZ, flight school. A memo was sent to the FBI. But it stopped at midlevel—never communicated to the White House, never communicated to the CIA. Again, the dots not joined. I can tell you that right here and now.

Here is a news story from July 21, 2001, before 9/11 of last year, in the Iraqi news. The name of that particular newspaper is Al-Nasiriya.

Quoting from it:

Bin Ladin has become a puzzle and a proof also, of the inability of the American federalism and the CIA to uncover the man and uncover his nest. The most advanced organizations of the world cannot find the man and continues to go in cycles in illusion and presuppositions.

It refers to an exercise called ''How Do You Bomb the White House.'' They were planning it.

Let me read this to all the colleagues here:

The phenomenon of Bin Ladin is a healthy phenomenon in the Arab spirit. It is a decision and a determination that the stolen Arab self has come to realize after it got bored with promises of its rulers; After it disgusted itself from their abomination and their corruption, the man had to carry the book of God . . . and write on some white paper ''If you are unable to drive off the Marines from the Kaaba, I will do so.'' It seems that they will be going away because the revolutionary Bin Ladin is insisting very convincingly that he will strike America on the arm that is already hurting.

In other words, the World Trade Towers. Here, over a year ahead of time in the open press in Iraq, they are writing that this man is planning not only to bomb the White House, but where they are already hurting, the World Trade Towers.

I ask unanimous consent to print this article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Al-Nasiriya, July 21, 2001]

AMERICA, AN OBSESSION CALLED OSAMA BIN LADIN

(By Naeem Abd Muhalhal)

Osama Bin Ladin says that he took from the desert its silence and its anger at the same time.

He has learned how to harm America and has been able to do it, for he gave a bad reputation to the Pentagon as being weakened in more than one spot in the world. In order to follow one step taken by Bin Ladin America has put to work all its apparatus, its computers and its satellites just as the governor cowboy of Texas has done. Bin Ladin's name has been posted on all the internet sites and an amount of $5 million dollars has been awarded to anyone who could give any information that would lead to the arrest of this lanky, lightly bearded man. In this man's heart you'll find an insistence, a strange determination that he will reach one day the tunnels of the White House and will bomb it with everything that is in it.

We all know that every age has its revolutionary phenomenon. In Mexico there was Zapata. In Bolivia there was Che Guevara, during the seventies came out Marcos and the Red Brigades in Italy, the Baader Meinhof Gang in Germany and there was Leila Khaled the Palestinian woman and others. They all appeared in violence and disappeared quietly. During the nineties Bin Ladin came out in the open having been completely overtaken in his mind by the robbery happening to his country and its treasurers. For him it was the beginning of the revolution. For this endeavor he mobilized everything that he had of money, of investments and Sudan was his first stop. Bin Ladin ended up in Afghanistan where his revolutionary drive pushed this stubborn revolutionary to plan very carefully, and in a very detailed manner, his stand to push back the boastful American onslaught and to change the American legend into a bubble of soap.

Because Bin Ladin knows what causes pain to America, he played America's game, just as an oppressed man entertains itself with the thing oppressing him. He countered with the language of dynamite and explosives in the city of Khobar and destroyed two US embassies in Nairobi and Dar al Salaam.

America says, admitting just like a bird in the midst of a tornado, that Bin Ladin is behind the bombing of its destroyer in Aden. The fearful series of events continues for America and the terror within America gets to the point that the Governor of Texas increases the amount of the award, just as the stubbornness of the other man and his challenge increases. This challenge makes it such that one of his grandchildren comes from Jeddah traveling on the official Saudi Arabia airlines and celebrates with him the marriage of one of the daughters of his companions. Bin Ladin has become a puzzle and a proof also, of the inability of the American federalism and the C.I.A. to uncover the man and uncover his nest. The most advanced organizations of the world cannot find the man and continues to go in cycles in illusion and presuppositions. They still hope that he could come out from his nest one day, they hope that he would come out from his hiding hole and one day they will point at him their missiles and he will join Guevara, Hassan Abu Salama, Kamal Nasser, Kanafani and others. The man responds with a thin smile and replies to the correspondent from Al Jazeera that he will continue to be the obsession and worry of America and the Jews, and that even that night he will practice and work on an exercise called ''How Do You Bomb the White House.'' And because they know that he can get there, they have started to go through their nightmares on their beds and the leaders have had to wear their bulletproof vests.

Meanwhile America has started to pressure the Taliban movement so that it would hand them Bin Ladin, while he continues to smile and still thinks seriously, with the seriousness of the Bedouin of the desert about the way he will try to bomb the Pentagon after he destroys the White House . . .

The phenomenon of Bin Ladin is a healthy phenomenon in the Arab spirit. It is a decision and a determination that the stolen Arab self has come to realize after it got bored with promises of its rulers: After it disgusted itself from their abomination and their corruption, the man had to carry the book of God and the Kalashnikov and write on some off white paper ''If you are unable to drive off the Marines from the Kaaba, I will do so.'' It seems that they will be going away because the revolutionary Bin Ladin is insisting very convincingly that he will strike America on the arm that is already hurting. That the man will not be swayed by the plant leaves of Whitman nor by the ''Adventures of Indiana Jones'' and will curse the

memory of Frank Sinatra every time he hears his songs. This new awareness of the image that Bin Ladin has become gives shape to the resting areas and stops for every Arab revolutionary. It is the subject of our admiration here in Iraq because it shares with us in a unified manner our resisting stand, and just as he fixes his gaze on the Al Aqsa we greet him. We hail his tears as they see the planes of the Western world taking revenge against his heroic operations by bombing the cities of Iraq . . .

To Bin Ladin I say that revolution, the wings of a dove and the bullet are all but one and the same thing in the heart of a believer.

Mr. HOLLINGS. Then on August 15, just prior to September 11 of last year, we had Moussaoui arrested in Minnesota. He wanted to know how to fly a plane, but not how to take off in a plane. And the FBI's Coleen Rowley, from Minnesota, testified before the Congress that she had written a memo, and the way she summed it up, they could crash the plane into the World Trade Towers.

Again, Mr. President, I could continue to go down the list, but we have this USA Today article of September 2 of this year, where the hijacker allegedly bragged what they were going to do on September 11. The year before the attacks, the Germans reported the particular terrorist saying that was exactly what they were going to do.

And there is a Time magazine article of May 27 of this year that sums up how the United States missed all of the clues. We have seen all the particular articles, and now we have the amendment in to fix the problem.

Let me just say a word about, and not in any criticism of our distinguished Director of the National Security Council, but Condoleezza Rice is about as steeped in domestic security as I am in foreign policy.

You can't find anyone more qualified in foreign policy. This young lady graduated at 20 years of age Phi Beta Kappa from the University of Denver. Then she earned her master's at the University of Notre Dame a year later, when she was 21. At the age of 27, she received her doctorate from the School of International Studies at the University of Denver, and then in 1981 became a faculty member of Stanford University in foreign policy.

So she has been steeped in that particular discipline all her life. Let me quote from her particular biography:

The Bush administration has substantially restructured the National Security Council during its first three weeks in office, providing an early indication of how the new White House plans to handle foreign policy.

She cut the NSC staff by a third, reorganized it to emphasize defense strategy, national missile defense, and international economics.

In a White House first, Rice has expanded her regular meetings with Secretary of State Colin L. Powell and Defense Secretary Donald H. Rumsfeld to include Treasury Secretary Paul O'Neill.

It also indicates:

. . . Bush's desire to decrease U.S. involvement in the Balkans and signal to Russia "that this administration is not going to treat Russia as a special case." Other notable changes have been the elimination of the divisions handling international environmental and health issues, and of the NSC's communications and legislative offices.

The reason I point this out is that prior to coming on board, the previous Director of the National Security Council, Sandy Berger, had a one-on-one meeting, telling Dr. Rice: Look, you are coming on board, and most of your time is going to be taken up with counterterrorism. There isn't any question about it. But what does she do? Instead, she takes action on everything that she knows about and she is absolutely authoritative in, but is not the need of the moment.

My problem with this bill is that it doesn't include any of the agencies that had a failure on 9/11 in the proposed Department. The CIA failed. The FBI failed. The National Security Agency failed. On September 10, the NSA got a message in Arabic: Tomorrow is zero hour. But they didn't translate it from Arabic into English until September 12. And then the National Security Council, limply standing there, not being informed of anything, just said: Well, they didn't give us anything specific.

It is the National Security Council's function to bring all the elements together, the gathering of intelligence, the analysis of intelligence, the joining of dots, the fixing of responsibility. The buck stops here. That is what this simple amendment does.

It puts the FBI Director on the Council. Now we have a domestic intelligence effort, something we never had. I met immediately with Bob Mueller. I have his particular budget. I gave him some $750 million to up-date his computers and synchronize them with the FAA and the Immigration Service, the Border Patrol, and everything else, so that we could have one-stop shopping on knowledge of any kind of a terrorist threat.

We also gave him the money transfer of the funds last fall to institute his new Department of Domestic Intelligence. Now the Domestic Intelligence is supposed to give that over to the Department of Homeland Security. But the Homeland Department does not gather any intelligence. It only takes what it is given, and it only analyzes what is given and, in a sense, doesn't know what to ask for because they are not in the game. It is the same with the CIA. I can see right now a breakdown continuing between domestic and foreign intelligence.

I have talked to Director Mueller on this particular score. He has hired experienced CIA personnel at the FBI to help him set it up as a Department of Domestic Intelligence. He says he is talking with the CIA. But he hasn't really gotten all the way down to his agents and directors talking at the State level. They have yet to talk to the chiefs of police. I know because we have had meetings with respect to port security. It will take time. It may take 5 years for this new Department to really get in gear and work correctly.

But let me say here and now that we have to have this fixed. The only place I know to be able to fix it is with the President himself—and we have that type of President. That President is no nonsense. He wants to have on his desk timely reports on intelligence, just like he gets from Carl Rove, timely reports on politics. Let's give the emphasis and time—a little bit at least—to intelligence. Give me those timely reports. And that timely report has to be fused not just from the Department of Homeland Security, or the office, or the bureau, or whatever else they call Governor Ridge over there, but it has to be fused at the National Security Council level, with foreign intelligence.

I am not for the President having to get his director over here confirmed by the Senate. I would favor the Thompson amendment. We don't want the National Security Council Director to come here and be confirmed. I think Governor Ridge, in contrast to Condoleezza Rice, knows law enforcement. He has been a Governor, been in Congress, been chief law enforcement officer of Pennsylvania. He knows domestic security, which is something that Dr. Rice has never been into until 9/11. She will have a hard time learning at that level, unless she gets help.

So I think Governor Ridge is an excellent individual in that White House, or wherever they put him, to help her begin to report. But she has to ultimately, as Director, fuse domestic with foreign intelligence, and all the other intelligence you might get from places like the Drug Enforcement Administration. The financing of terrorism is drugs. We know it. They have to follow the banks. She has to get intelligence from the Secretary of the Treasury. She has to work with all these particular entities, and the President doesn't have to take this volumes and volumes of intelligence reports and sit down and read all day. It has to be not only analyzed but prioritized. So it is right in front of him, what he has to give his attention to at that moment and throughout the day, each day, on our homeland security.

I yield the floor temporarily.

Mr. WARNER. Mr. President, I was going to ask the Senator a question.

Mr. HOLLINGS. Yes, sir.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, as our highly esteemed colleague knows full well, he occupies a position in this Chamber almost second to none by virtue of his long experience and as a chief executive officer of his State, a Governor. In listening very carefully to what he said, it occurs to me that there is merit in this amendment.

However, my question to our colleague, given the rather dramatic points he makes here, is: Should we not allow the current President the opportunity to communicate with the Senate his views on this? It seems to me

this council was established for the specific reason of being advisory to him. It is thought of as his means of establishing an infrastructure, as all Presidents have done, that best serves the method by which they wish to govern and discharge their responsibilities as President. My committee, Armed Services, the Foreign Relations Committee, the Committee on Governmental Affairs, and others that possibly have some oversight on this type of amendment, it seems to me, could quickly gather the views and, in all probability, we may end up with our colleague's amendment. But at least afford the courtesy to the President to share with the Congress—and most specifically the Senate—the views before they act on such a dramatic piece of legislation as this.

Mr. HOLLINGS. Of course, we have the President's views. He submitted a bill. In general, that particular view is before the Senate in the form of the House bill. While we have our own views—and that is our responsibility—this is not to preempt the President. In all fairness, when you see the distinguished chairman of Armed Services, he is who is disturbed. Talk about turf—not of the Senator from Virginia, but the Pentagon, the Department of State. Calls went out to the Department of State on this particular amendment. They don't want that FBI. They don't want the domestic intelligence. They don't want that Secretary of Homeland Security. They want their National Security Council to be solely engaged in foreign policy and foreign and international threats, not domestic.

So no siree, that would be a put off, as it would be for the Pentagon crowd. We worked very closely with the Army and Navy and their intelligence, and I have the greatest admiration for Secretary Rumsfeld. But they have to report in, too, to this domestic intelligence. That still has to be—the intelligence—fused with CIA foreign intelligence at the level of the National Security Council. There is no substitute for it.

If the President doesn't like it, he will say so to the House and it will be knocked out in conference. So don't worry about that. I am not worried about it. I want everybody to know here and now this bill does nothing to avoid and prevent another 9/11. All the agencies that, on 9/11, performed admirably—the Coast Guard was doing its job, FEMA was doing its job, and they got the agriculture people who were doing their job—they are the ones being included. Some 110,000 of the 170,000 people to be in this proposed department, with respect to seaport security, airline security, and rail security are already together in the Department of Transportation. We have been working on that. We have instituted an Office of Domestic Preparedness within the Justice Department. We have all of that going.

But the ones that failed are totally left out of the Department of Homeland Security—the ones that failed us on 9/11 go untouched. Please, my distinguished colleague, don't come up and say let's find out what he thinks and put this off. We know what he thinks. Vote for this amendment and send it to the House. If they knock it out, it will be dropped out.

For one, I go along with Senator THOMPSON. We don't need to confirm Dr. Rice at the National Security Council. Generally speaking, we don't have her name over on her budget. We talk about that on the Appropriations Committee level—if there is an Office of Homeland Security there. I go along with the Senator from Tennessee not to require that office be confirmed over here because, as President, I know good and well I would not depend on the legislative branch's intelligence. I can tell you that right now.

With any Department they would institute, I have a mammoth responsibility. The buck stops here, and I cannot explain another 9/11 by going along with this bill and saying the problem is solved. It is not solved at all. Don't delay me, Senator. You know and I know it will be taken out if the President opposes it.

Mr. WARNER. I thank my colleague.

The PRESIDING OFFICER. The time for the Senator of South Carolina has expired.

Mr. HOLLINGS. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Senator from Virginia be yielded 10 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank the Senator from Tennessee. I wish to commend the Senator from Connecticut, Mr. LIEBERMAN, and our very dear, soon-departing friend from Tennessee for their very important work on this bill, homeland security.

AMENDMENT NO. 4513

Mr. WARNER. Mr. President, I will now turn, I say to the Senator from South Carolina, my remarks to the question of the pending amendment by the Senator from Tennessee, and I thank my good friend for his reply to my question.

Mr. HOLLINGS. I thank the Senator.

Mr. WARNER. Mr. President, we were, as a body in recess—fortunately, the leadership decided this body should go into recess so we could watch the President of the United States deliver a speech which, in my judgment, is one of the most important speeches ever delivered before the United Nations.

He laid out with specific clarity the threats to the world posed by Saddam Hussein, the threats to the world of inaction at this time, and that those who say to him, there is concern this Nation is acting unilaterally—our President very clearly gave the United Nations a clear and respectful mandate to act now in the face of unrefuted facts that in 16 instances, Saddam Hussein has defied the United Nations and the Security Council. What better evidence?

He alluded to the fact that Saddam Hussein has provided evidence—clearly, it is there—of a highly increased tempo of activities toward the manufacture of weapons of mass destruction, weapons which in no way are needed for the rightful defense of the sovereign Nation of Iraq, weapons that could only be manufactured and devised for offensive actions against other nations.

This is not a war, which we are alluding to, between Iraq and the United States. This is a war of free nations—many free nations—free people, innocent people whose lives are at risk in the same way lives were risked on 9/11 a year ago in New York, in my State of Virginia, and in Pennsylvania. I commend the President.

It is interesting, against his speech is the background of another President, President Clinton, who on February 19, 1998, referring to his own perspective on terrorism, said, referring to the terrorists:

> They actually take advantage of the freer movement of people, information and ideas, and they will be all the more lethal if we allow them to build arsenals of nuclear, chemical, and biological weapons and the missiles to deliver them. We simply cannot allow this to happen. There is no more clear example of this threat than Saddam Hussein's Iraq. His regime threatens the safety of his people, the stability of the region, and the security of all the rest of us.

Our President built on that foundation in this historic speech that was delivered today. It is my fervent hope that the Congress of the United States, hopefully led by the Senate, will accede to the President's request made to a group of us from the House and Senate who were in his office just weeks ago, when he called on the Congress, to act with respect to this situation such that the executive branch, led by President Bush, and the Congress are arm in arm as we carry forward our war against terrorism and, most specifically, the threats posed by Iraq.

We are here on the issue of homeland defense, the issue of a new Department. We have had a good debate. We have our differences of view but, nevertheless, I see the momentum, I hope, in this body to move forward with this legislation.

I support the overall intent of this legislation. I strongly agree with the need to better organize our Government to protect our homeland, but I do not support all the provisions of this bill.

Two such provisions are addressed by the pending Thompson amendment, which I strongly support, which would strike titles II and III of the underlying legislation. These titles have been of concern to me for some time, and in a letter dated July 17 of this year, which I ask now unanimous consent to print in the RECORD at the conclusion of my remarks, I so expressed my concerns to the managers of this legislation.

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

(See Exhibit 1.)

Mr. WARNER. Mr. President, title II mandates the establishment of a National Office for Combating Terrorism, and title III mandates the development of a national strategy for combating terrorism and homeland security response. I note that the administration is strongly opposed to both of these titles.

The arguments against title II are not unlike the questions I posed to the distinguished Senator from South Carolina regarding his measure, which is also pending before the Senate. And that is, we should accord, as a legislative body, the Congress, the maximum flexibility to our President, be he Democrat or Republican, in establishing that structure he deems necessary in his Department to best serve his style of discharging the obligations of the Office of President.

Our President respectfully says to the Congress: I do not need what is proposed in title II.

Again, on October 8, 2001, following the tragic events of September 11, President Bush formed the Office of Homeland Security in the Executive Office of the President to oversee immediate homeland security concerns and to propose long-term solutions.

Governor Ridge has discharged with great distinction the responsibilities of that office. They worked hard under the President's guidance to produce a comprehensive plan that now deserves our serious consideration and support.

Again, the mandate to establish an Office for Combating Terrorism within the Executive Office of the President of the United States, in my judgment, would be redundant to the structure currently in place, particularly since the President has already stated his intention to retain the position of Assistant to the President for Homeland Security. I urge the Senate to respect the right of the President under the Constitution to establish his office, his infrastructure, which best serves his style of management.

Turning to a second concern, and that is budget review and certification authority provided for in this legislation to the proposed Director of the National Office for Combating Terrorism, in my view, such authority will undercut the ability of several Cabinet-level officials, most notably the Secretary of Defense, Secretary of State, Attorney General, and the Director of Central Intelligence, as well as the new Secretary of Homeland Security, assuming the Senate and the House act, to carry out their primary responsibilities.

In the case of the Department of Defense, the Secretary of Defense—and I have had the privilege in my 24 years in the Senate of working with a succession of those Secretaries—the Secretary of Defense has a wide-ranging responsibility to protect the vital U.S. interests and to protect against the threats that are ever mounting against our Nation.

The Department, under the leadership of Secretary Rumsfeld, is currently engaged in an all-out global war against terrorism designed to bring to justice those responsible for the September 11 attacks on our Nation and to deter would-be terrorists and those who harbor them from further attacks. The Secretary of Defense must ensure that the Department is adequately and properly funded to carry out its many missions.

Pending before the Congress is the largest increase in defense spending in many years, decades, but it is necessary. Our committee, the authorization committee, together with the Appropriations Committee, will soon bring their respective conference reports to this body for approval, and I anticipate rapid approval by both Houses of Congress.

It would be unwise to subject portions of the budget of these respective Cabinet officers to a veto in many respects.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THOMPSON. Would the Senator like additional time?

Mr. WARNER. I ask for an additional 2 minutes.

Mr. THOMPSON. I yield 2 additional minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I turn now to title III. The pending legislation requires the development of a national strategy for combating terrorism and homeland security response. I have been the author, with colleagues on the other side of the aisle, Senator Nunn, who was chairman of our Committee on Armed Services, and Chairman LEVIN, the current chairman, and urged that these various reports concerning the security of our United States be brought by the administration to the Congress in a timely manner so we can make our appropriate decisions on the budget.

Time and again, our committees have done that. It has been, generally speaking, a good response by successive administrations on this subject.

When the President established the Office of Homeland Security, he directed Governor Ridge to develop a comprehensive strategy to protect the United States from attack, which is right here. Therefore, I think it is again redundant for this specific section in title III to be enacted which more or less formalizes, again, the necessity for producing this report which the President has voluntarily done.

I see the distinguished Senator from Connecticut in the Chamber. I commend him for the hard work he has done, and I strongly urge that this body be given the opportunity soon to make its final deliberations and that this important legislation be adopted in whatever form is the will of the Senate.

I congratulate the Senator from Connecticut, as well as the Senator from Tennessee.

I yield the floor.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, July 17, 2002.

Hon. JOSEPH I. LIEBERMAN,
Chairman,
Hon. FRED THOMPSON,
Ranking Member,
Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR LIEBERMAN AND SENATOR THOMPSON: On July 15, I joined with Senator Levin in sending a letter to your Committee on the Bush Administration's proposal to create a Department of Homeland Security. That letter addressed issues in the Administration's proposal which fall under the jurisdiction of the Senate Armed Services Committee. Today, I am writing to express my concerns about certain aspects of S. 2452, the National Homeland Security and Combating Terrorism Act of 2002, which was reported out of the Government Affairs Committee on June 24, 2002. While I support the overall intent of the legislation and agree with the need to better organize our government to protect our homeland, much has changed since this bill was reported to the Senate.

In the intervening weeks, the President has proposed the establishment of a Department of Homeland Security and the most fundamental reorganization of the United States Government since the passage of the National Security Act of 1947. This proposal is the logical culmination of a very deliberate process that started when then-Governor George W. Bush established homeland security as his highest priority during a speech at the Citadel in September 1999, stating, ''Once a strategic afterthought, homeland defense has become an urgent duty.''

Following the tragic events of September 11, President Bush formed the Office of Homeland Security in the Executive Office of the White House to oversee immediate homeland security concerns and to propose long-term solutions. Governor Ridge and others have worked hard under the President's guidance to produce a comprehensive plan that now deserves our serious consideration and support.

While I support the establishment of a Department of Homeland Security, I do not support creating a National Office for Combating Terrorism as outlined in Title II of S. 2452. In my view, establishing this position within the Executive Office of the President would be redundant to the structure put in place by the President on October 8, 2001. The President has already stated his intention to retain the position of Assistant to the President for Homeland Security.

I have serious concerns about the budget review and certification authority provided to this proposed Director of the National Office for Combating Terrorism by S. 2452. In my view, such authorities would undercut the ability of several Cabinet-level officials, including the Secretary of Defense, the Secretary of State, the Attorney General and the Director of Central Intelligence, to carry out their primary responsibilities. In the case of the Department of Defense, the Secretary has wide-ranging responsibilities to protect vital U.S. interests and to prevent threats from reaching our shores. The Department, under the leadership of Secretary Rumsfeld, is currently engaged in an all-out global war against terrorism—designed to bring to justice those responsible for the September 11 attacks on our nation and to deter would-be terrorists and those who harbor them from further attacks. The Secretary of Defense must ensure that the Department is adequately and properly funded to carry out its many missions. It would be

unwise to subject the budget carefully prepared by the Secretary of Defense to a ''decertification''—in essence, a veto—by an official who does not have to balance the many competing needs of the Department of Defense and the men and women of the Armed Forces.

I also note that Title III of S. 2452 requires the development of a National Strategy for Combating Terrorism and the Homeland Security Response. When the President established the Office of Homeland Security, he directed Governor Ridge to develop a comprehensive strategy to protect the United States from terrorist attacks. President Bush unveiled his Homeland Security Strategy earlier this week, precluding the need for the requirement in Title III, S. 2452. Legislating anything other than a periodic review and update of this strategy would be burdensome and would divert attention and resources away from the Administration's focus on homeland defense and the global war on terrorism. As the President stated in releasing the Homeland Security Strategy on July 16, ''The U.S. Government has no more important mission than protecting the homeland from future terrorist attacks.'' We in the Congress should do all we can to help our President achieve this goal.

I hope my comments are useful as you continue your work on this important legislation.

With kind regards, I am

Sincerely,

JOHN WARNER,
Ranking Member.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I am proud of the work our Governmental Affairs Committee has done. It was a very open process. We included provisions recommended by members of both parties. I think it is a strong proposal. Obviously, there is some disagreement with the White House about parts of it, but I repeat what I have said before, that we are in agreement on: First, the basic necessity to better organize our homeland defenses, because this disorganization which exists now is dangerous. Second, there is broad bipartisan agreement on this bill we have reported out of our committee and the White House about what I have estimated to be 90 percent of the components of the bill. We are having a series of tussles about the remaining 10 percent. The sooner we resolve them, the better. The sooner we get this bill passed and on the way to a conference committee with the House and authorize the administration to set up this new Department, the safer the American people will be.

I appreciate the Senator's call for expedited action, and I hope and pray that others in the Senate heed that call.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I yield 10 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to speak in opposition to the idea for a National Office for Combating Terrorism, which would be a position confirmed by the Senate, because I believe the responsibilities which are enumerated in the bill can be handled by the Secretary for Homeland Security so that it is not necessary to have another position of Director for the National Office for Combating Terrorism.

As the responsibilities are set forth in section 201(c), first to develop national objectives and policies for combating terrorism, that is a core function for the Secretary of Homeland Security. Second, to directly review the development of a comprehensive national assessment of terrorist threats, again, I believe is something which can be handled by the Secretary of Homeland Security, which is a position to be confirmed.

Another responsibility enumerated in the statute is to coordinate the implementation of the strategy by agencies with responsibilities for combating terrorism, and there again it is my view that that can be handled by the Secretary of Homeland Security.

Another responsibility is to work with agencies, including the Environmental Protection Agency, to address vulnerabilities identified by the Director of Central Infrastructure Protection within the Department. Again, that is a matter which can be handled by the Secretary of Homeland Security.

Another responsibility is to coordinate, with the advice of the Secretary, the development of a comprehensive annual budget for the program and activities under the strategy, including the budgets of the military departments and agencies within the national foreign intelligence program related to international terrorism, but excluding military programs, projects, or activities relating to force protection.

I believe there is sound reason for having budget authority to coordinate overall the intelligence functions. However, again, I think to the extent we grant that overall budget authority, the logical place to put it is in the Secretary of Homeland Security.

As the other responsibilities are enumerated, to have the exercise, function, and authority for Federal terrorism prevention and response agencies, again, these are matters for the Secretary of Homeland Security.

The intent of the drafter of these provisions is correct in seeking to provide the coordination, but to have another officeholder confirmed by the Senate and in the West Wing is not advisable. The analogy to the National Security Council position now held by Dr. Condoleezza Rice, I think, is inapposite and does not apply to making the Director for the National Office of Combating Terrorism a confirmed position.

There is a real need on the overall coordination, to be sure we have all of the agencies responsible for intelligence and analysis under one umbrella, such as the CIA, the FBI, the Defense Intelligence Agency, the National Security Agency, and all of the intelligence agencies.

A point worth repeating is that had we put all of the dots together on matters known prior to September 11, 2001, there was a veritable blueprint and September 11 might well have been prevented. There was the Phoenix office of the FBI reporting on a man taking flight training, a big picture of Osama bin Laden on his wall, and other respective connections to al-Qaida. We had the two terrorists known by the CIA in Kuala Lumpur who turned out to be terrorist pilots of planes on 9/11. The information was not given to the FBI or the INS in a timely fashion. There was the threat given to the National Security Agency on September 10, 2001, which was not transcribed, that something was going to happen the next day. It was not interpreted until September 12, after the events of 9/11 had occurred.

Perhaps most importantly, there was the effort to obtain a warrant under the Foreign Intelligence Surveillance Act as to Zacarias Moussaoui, and had that warrant been obtained, there was an actual treasure trove of information linking Moussaoui to al-Qaida.

The FBI used the wrong standard, as disclosed in the testimony of Special Agent Coleen Rowley, who appeared with FBI Director Mueller on June 6 at an oversight hearing by the Judiciary Committee. In Agent Rowley's letter, she talked about the U.S. attorney in Minnesota requiring 75 to 80 percent probabilities. Agent Rowley thought that was wrong. She thought the standard should be a preponderance of the evidence, more likely than not—51 percent, as she put it. However, she was wrong as well because the standard is articulated in the case captioned Gates v. Illinois, an opinion written by then-Justice Rehnquist, saying the standard was suspicion, and Justice Rehnquist went back to the Krantz case with Chief Justice Marshall talking about suspicion on the totality of the factors. However, there was ample evidence to obtain a Foreign Intelligence Surveillance Act warrant for Zacarias Moussaoui.

It would have been thought that the FBI would have had its house in order after their experience on Wen Ho Lee, when at the highest levels of the Justice Department, the matter rightfully went to the Attorney General at that time and they declined to issue a vice warrant and later determined, even by the review of the Justice Department, there was probable cause. That matter was subjected to very intense oversight by the Judiciary Committee at that time.

We have pursued the oversight on Zacarias Moussaoui. We found in closed hearings—this much can be disclosed—the FBI agents are still not applying the correct standard. I wrote to FBI Director Mueller on July 10, 2002. We had the hearings on July 9. I asked when they would apply the right standard. Earlier this week on Tuesday there was another oversight hearing by the full Judiciary Committee, this time publicly, and the Department of Justice representative acknowledged

the wrong standard had been applied, but says they have corrected it with examples. We are waiting to see the specifics.

The impact of this is that there ought to be one umbrella under which the analysis of all of the intelligence agencies occurs. The amendment which has been offered here, the provision of section 201, which the pending amendment seeks to strike, has a laudable purpose. It is seeking that kind of coordination, but it simply does not require a director for a national office of combating terrorism, which would be a confirmed position.

The language in the bill needs to be specified so the burden is on those who oppose the coordination to come forward. I wrote to Governor Ridge on August 1 referring to a meeting which had been held the previous day. I think it appropriate to quote briefly from this letter. I was very pleased to hear the President's affirmative response yesterday to the proposal to have analysis from every intelligence agency—CIA, FBI, DIA, et cetera—under the umbrella of the Department of Homeland Security with the Secretary having the authority to direct those intelligence agencies to supply his Department with the requisite intelligence data.

The key language of the responsibilities which I believe should be in the bill, and I intend to offer an amendment if we cannot get this worked out by agreement is that the Directorate of Intelligence within the Department of Homeland Security shall be responsible for the following:

(1) On behalf of the secretary, subject to disapproval by the President, directing the agencies described under subsection (a)(1)(B) to provide intelligence information, analyses of intelligence information and such other intelligence-related information as the Directorate of Intelligence deems necessary.

The thrust of this language would give the Secretary the authority to command all the analyses unless the President disapproves. However, the language to have the President direct the Secretary to have this oversight responsibility is unworkable because you cannot take it to the President to ask for his authority on each occasion. However, if there is strong reason to disallow the Secretary's authority in a specific case, then it is subject to disapproval of the President. I do not think that is necessary, but in order to avoid any controversy, the language ought to be included in the statute.

Although I have already put this letter in the RECORD before, I think it is worth including at this stage of the debate, so I ask unanimous consent that the letter be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, August 1, 2002.

Hon. TOM RIDGE,
Director of Homeland Security,
Washington, DC.

DEAR TOM: I was very pleased to hear the President's affirmative response yesterday to the proposal to have analysts from every intelligence agency (CIA, FBI, DIA, etc.) under the umbrella of the Department of Homeland Security with the Secretary having the authority to direct those intelligence agencies to supply his Department with the requisite intelligence data.

As I said in the meeting in the Cabinet Room yesterday, I think that had all of the intelligence information known prior to September 11th been under one umbrella, the terrorist attacks of September 11th might have been prevented.

Senator Thompson, as I understand him, did not disagree with that ultimate approach except to express the view that he thought that changes in the structure of the intelligence community should await further studies. My own strongly held view is that we have a unique opportunity to make the changes in the intelligence community now because of the imminent terrorist threats; and, if we don't act now, we will be back to business as usual.

As you and I discussed in our meeting of July 29, 2002, there have been many proposals to place the intelligence agencies under one umbrella, including legislation which I introduced in 1996 when I chaired the Intelligence Committee, and the current proposals which have been made by General Scowcroft.

I suggest that Section 132(b) of the bill reported by the Governmental Affairs Committee be modified by adding at the beginning a new paragraph (1) to read as follows:

(b) RESPONSIBILITIES.—The Directorate of Intelligence shall be responsible for the following:

(1) On behalf of the Secretary, subject to disapproval by the President, directing the agencies described under subsection (a)(1)(B) to provide intelligence information, analyses of intelligence information and such other intelligence-related information as the Directorate of Intelligence deems necessary.

I am sending copies of this letter to Senator Lieberman and Senator Thompson so that we may all discuss these issues further.

My best.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I thank my colleague from Pennsylvania for his remarks and his support of the Thompson amendment. I thank the Senator from Virginia for the same. I think both of these Senators, without dispute, would be recognized as people who have been students and have been leaders in the areas we are dealing with today. I think their support on this important amendment is crucial.

I was particularly taken with the comments of Senator WARNER as he related his thoughts listening to the President a little while ago before the United Nations. I had the same thoughts. The President made a magnificent speech. In part, it was a legal brief, where he outlined ad seratim the various instances where Saddam Hussein had rejected the sanctions that had been placed on him by the United Nations, rejected the resolutions that had been passed by the Security Council time and time and time again, rejected inspectors, rejected sanctions, basically rendering what the United Nations and the international community as a whole and specifically the Security Council, what they had done, rendering it a nullity.

I thought it was a very effective walk through history. There was no secret information disclosed. It was a rendition of what we all should have known. The people who were listening to him today were taken on that walk down memory lane of all the things that have happened since 1990 and the attempts that the United Nations have made, the attempts the Security Council have made, all thwarted by this one country, as he continued to oppress his own people, as he continued to either attack or plan attacks for others, as he continued to develop his weapons of mass destruction, as he finally acknowledged, yes, he did have chemical and biological weapons after lying about it for all those years and our inspectors telling us he had a virtual Manhattan nuclear project the last time we went in there. And now he has closed us out and we are wringing our hands over what we know and what we do not know.

That is our position. Internationally, the entire world is, because he has put us in that position, once again, and deprived us of any knowledge of exactly what he is doing, although we know he has the intelligence, he has the scientists, he has the infrastructure, the capability, the know-how, the desire, everything, except possibly enriched uranium with which to make a nuclear weapon. Unfortunately, there is a lot of that in the world. We do not know whether he has it.

Part of it was an effective legal brief. Part of it was inspirational. It was an appeal to the United Nations for it not to become irrelevant in terms of world peace. If the U.N. and the Security Council allow a country such as this, a regime such as this, to thwart the very purpose of the creation of the United Nations, then what authority, what standing, what moral suasion is it going to have in the future when the next tinhorn dictator comes along and hunkers down and takes a little bombing and goes on with his suppression of people and killing of innocents and using weapons of mass destruction on his own people as he prepares for the next attack. I thought it was very effective.

And what is the relationship between Saddam Hussein and terrorism? The President pointed out one of the most dangerous circumstances we can contemplate is having a regime such as his with the ability to transfer his capabilities over to terrorists.

We know he has a long history of relationships with various terrorist organizations, including some with al-Qaida. Are we to assume he would not ever use as a surrogate someone to do his dirty work? It is extremely relevant to the battle on terrorism. I think those who urge that we totally clean up the battle on terrorism over here, because it is a distinct problem, before we address the situation in Iraq are missing that point.

Which brings us to the bill we are considering today. It is very relevant. It is a homeland security bill. This is where all the chickens come home to roost in regard to our Nation's security.

What concerns me about this bill is that in more than one instance there is an attempt to diminish the President's authority. This bill would not give the President authority that other Presidents have had. Most all of the Members serving here today served under President Clinton. It would take away authority President Clinton had with regard to national security. This bill would lessen—give less authority, in terms of the management of this monolithic new Department we are about to create, than the head of the FAA has to manage the FAA.

With regard to the subject matter that is addressed by the Thompson amendment, we would not give the President the right to have his own adviser inside the White House as he deals with all these issues. That concerns me. I do not think that is going in the right direction.

We are not going to do anything in this Congress to diminish Congress's traditional role. Senator BYRD and Senator STEVENS have made it clear that they are not going to stand back and let the traditional appropriations authority of the Congress be set aside. Senator LIEBERMAN has made that clear. The bill reflects that position. I am sure we will be able to work out something along those lines that does not diminish our authority in any way. We have the power of the purse. We have the power of the purse.

This bill creates many positions, including the new Secretary, that will be Senate confirmed. He will have to come before this body. So we are not diminishing the authority of the Congress. What we are doing is establishing a brandnew, important Department that we are going to have to approach in a bit of a different way than we have approached other Departments at other times because we have not been very successful with other Departments at other times. This Government is rife with Departments and governmental agencies that have waste and fraud and abuse, sending out checks for billions of dollars to people who are not even alive; losing large pieces of equipment, at least on the books, such as ships and things of that nature; having the GAO come before us year after year after year, saying these agencies are not doing any better. They cannot pass an audit. Government as a whole cannot pass an audit. We do not know what assets and liabilities we have. We cannot keep up with them. It is a mess.

We are pulling 22 of these agencies into a new Department. We cannot approach it the same old way. We have to have a 21st century paradigm in order to address a 21st century problem.

Most of the rules we are operating under now were created in the 1950s when we had a paperwork Government. People came into Government at this position, worked for 20 years, and were promoted in lockstep in these 15 steps, with 10 steps within each of the 15, totally unable to address modern-day problems.

As the GAO tells us we cannot handle the information technology challenge that faces our Government, private industry has been able to. We have been trying to incorporate information technology capability in the IRS for years. We have spent billions of dollars and still the computers will not talk to each other—and they are not the only ones. We have human capital problems. We have financial management problems—year after year.

So that is all the background for considering an amendment such as this, which addresses the bill where it creates a new Office of Combating Terrorism.

We are suggesting the President ought to have a little flexibility, a little traditional flexibility to have, in the White House—not over at the new Department but in the White House—a person he chooses to coordinate not only what is going on in the new Department but the important national security, or homeland security, entities that are not in the new Department. Coordination is needed.

We have that coordinated. The President established an Office of Homeland Security. The President established an Office of Combating Terrorism within the NSC. Those are already there. You say we need them Senate confirmed. NSC is not Senate confirmed. We have a Senate-confirmed position we are creating in the new Secretary of the Department of Homeland Security.

This bill, as it is drafted now, mandates the development of a national strategy. We have a national strategy. We have had it since July. I don't know whether the idea is to set the old one aside and come up with a new one or submit the one the President has already put out again. This was a good idea back several months ago. Time has passed it by.

The suggestion is made that this new person inside the White House, confirmed by the Senate over the President's objection, would have budgetary authority that would allow this new person to decertify the homeland security budget. The budget goes to him before it even goes to OMB. What kind of situation is that going to be? What if you were asked to take on the job of new Secretary of Homeland Security knowing that your budget was going to go to some guy over in the White House and he had to be satisfied before it even got to you? How would you like it over at the OMB, when we are going into a period of deficit, when people, apparently in this Congress, still think we can have guns and butter indefinitely, we don't have any problem spending helter-skelter, left and right?

He has to balance all that. And he has a guy over in the White House who has only one priority, homeland security. And as important as it is, it is not the only priority this Government has. But he has veto power over the Government.

There never has been a circumstance like this in the history of Government. There never has been a big Department, like the Department of Homeland Security, and what we are creating, with authority and responsibility and jurisdiction over the issue at hand, homeland security in this case, and a White House-confirmed position with decertification budget authority all at the same time.

I think it would absolutely be havoc for any administration, Democrat or Republican. I think it would lessen accountability, not increase accountability. Goodness knows, we need increased accountability.

The President has said he is going to keep Governor Ridge. I don't know whether the idea is we will give this new fellow an office down at the other end of the hall or that the President is not being square with us, that he will really get rid of Ridge or that he will give Ridge this job. I don't know what the idea is. The President said he is going to keep up the office. He is entitled to have his own counsel, as Presidents traditionally have.

So I urge we not do that. I urge we maintain the status quo there; that we not take another step to restrict the President, to restrict either his national security authority that Presidents traditionally have, restrict the new Secretary's authority to manage the Department, in the new age and time and challenge that we face, and we not restrict the President within his own office in terms of whom he wants to bring in and have confidential conversations with, who cannot be called up to the Hill at any time.

I said early on in this discussion before these bills were presented that ultimately it was clear Congress was going to have somebody's leg to chew on. Congress needed to have somebody who is accountable to come up here and testify. I didn't particularly welcome this back and forth as to who was going to talk and what office they would talk in and what other office they would not talk in. I don't think that would do any of us any good. I knew that ultimately somebody was going to have to come up here and be a spokesman and be accountable. We now have that. That is the new Secretary. That is the new Department of Homeland Security.

We don't need it with regard to the position in the White House. The President said he doesn't want it. I believe on these close questions, if indeed my colleagues believe it is a close question, that we ought to give the President the benefit of the doubt. He is now, without boast, the leader of the free world. As we are facing the challenge of terrorism and the challenge that is presented by Saddam Hussein, as evidenced by his speech today, the

ears of the entire world were trained upon him. That is not anything to do with him personally. That is the position of the President of the United States.

In times such as these, if you can compare any other time with this—especially in times of war, especially in times of issues of war and peace—whoever is President of the United States is the leader of the free world and is the leader in espousing those values that we hold dear, knowing as the entire world does that we are going to be on the front lines of any enforcement action the world deems necessary for the cause of freedom and democracy.

That is not a hokie sentiment. That is not Democrat-Republican. That is just reality.

I hope as we consider these issues that my colleagues will give on balance the call for a bit of flexibility, at least as much as we have given prior Presidents, and at least as much as we have given heads of these other agencies when facing challenges that are much less than what we are facing today.

I urge my colleagues to vote for the Thompson amendment.

I yield the floor.

Mr. CAMPBELL. Mr. President, I stand in strong support of the Craig-Domenici amendment to improve the tragic health of our Nation's forests. Years of complete fire suppression has resulted in unnaturally dense forests. In many places out West where nature would have 50 trees per acre, there are 500 trees per acre, this tremendous build-up in hazardous fuels significantly increases fire danger and makes trees more prone to insect infestations.

The facts are clear: Unnaturally dense forests result in unnaturally hot burning and fast moving fires. The Forest Service and other land management agencies have known the facts for years but have been hamstrung, in large part due to shifting political winds.

And here is the dilemma: interest groups and agencies argue about what needs to be done while forests go up in flames, endangered species are destroyed, and human life and property are jeopardized.

The amendment that we are proposing does not point the finger at any one group or agency. Rather, this amendment moves beyond the politics and focuses on results consistent with plans developed by the Western Governors' own ''10-Year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment.''

Where the agencies are unable to proceed with hazardous fuels reduction, this amendment directs the Secretaries of Agriculture and Interior to expedite responsible forest management projects in a balanced way and is very similar to language previously passed by this body to allow for fuel reduction in certain other western States.

This amendment looks at the facts. In this year alone, 62,924 fires have scorched more than 6.3 million acres of land across this Nation. But what about people, how has wildfire affected our communities?

Since April of this year in my State of Colorado, 12 communities, 141 subdivisions totaling 81,068 people have been evacuated because of wildfire. When those Coloradans returned after being evacuated, they found 384 homes burned to the ground and 624 other structures destroyed.

Although property damage and widespread dislocation are devastating on communities, the wildfire season of 2002 has proved even more tragic. Wildfires have claimed the lives of 10 firefighters in Colorado, and 21 in the nation. Returning to a pile of ash instead of your home is one thing, coming home without a father or sister is another altogether.

Without responsible hazardous fuel reduction, this year's fire situation is bound to repeat itself and I cannot allow this to happen. This year's fires came close enough to my own front porch at one point, that it was difficult for my wife and me to breathe. Given the drought conditions that the West is enduring, the situation on the 181 million acres that are currently classified as a Class 3 fire risk is not going to get any better.

I urge my colleagues to support this amendment to reduce the threat unhealthy forests pose nationwide.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, yesterday, being obviously the first anniversary of the horrific attacks against us on September 11 of last year, we commemorated with very moving—and I thought unifying—purpose at events here in the Capitol in Washington, at the Pentagon, in New York, and Pennsylvania—and really throughout America and so many places. Our attention was riveted again on what happened to us and how urgent it is to act to prevent that horror from ever happening again.

I will state again what I have said on the floor before. I am not one who believes that another September 11 type of attack against America is inevitable. It is not inevitable if we are aggressive in searching out and destroying the remaining al-Qaida terrorists, if we are wise and strong in marshaling the unique capabilities we have in America to better organize our homeland defenses. Of course, that is what this bill is about.

I think the President's statement today at the United Nations is further testimony and further draws our attention to the urgency of the challenges we face.

I want to say parenthetically that I thought the speech the President gave at the United Nations today was a powerful and convincing indictment of Saddam Hussein and the grave threat he poses—not just to the United States and to his neighbors in a most critical region of the world, but to the legitimacy and the authority of the United Nations in the world community, a United Nations which Saddam has outrageously and consistently defied and deceived for more than a decade.

I fully support the President's call to action by the United Nations. I hope the nations of the world will take a look at the record. I think my friend from Tennessee said it was in some sense a lawyerly statement. It really was an indictment of the 16 resolutions of the United Nations that Saddam Hussein has ignored, and he has defied and thumbed his nose at every one of them. How can the United Nations be the institution we want it to be—bringing peace and resolving conflicts—if one rogue leader of one nation treats its orders and resolutions with such disrespect?

This is a moment of decision for the members of the United Nations. I hope they rise to the challenge that President Bush has quite correctly put before them today.

This does bring us back to where we are on this amendment and Senator THOMPSON's motion to strike titles 2 and 3 of this amendment which is before the Senate and which was reported out of the Governmental Affairs Committee. These were authored largely by Senator GRAHAM of Florida, who has spoken on them. They are part of an attempt in this bill to deal not just with homeland security, but to deal with the problem of terrorism that the President spoke about so eloquently and convincingly today at the United Nations.

Homeland security is just one part of the battle against terrorism. We obviously have other parts that are critically important as well—certainly the Defense Department, certainly our intelligence community, the State Department, the Treasury, and various foreign aid and public diplomacy programs, and law enforcement agencies, a lot of which will not in any sense come under the purview of this new Department of Homeland Security.

That is why it was the wisdom of the committee—I believe it was certainly the judgment of the committee—that in addition to creating the Department of Homeland Security, we would guarantee the kind of aggressive antiterrorism effort that the country needs now and in the years ahead by creating in the White House an office to combat terrorism, to coordinate not just the Homeland Security Department but the other agencies of our Government that are involved in the fight against terrorism.

It is my understanding that many have spoken in support of Senator THOMPSON's amendment to strike these sections. Perhaps some at the White House agree that there will be an office in the White House, but they object to the confirmation requirement in our proposal that the director of that office be confirmed by the Senate. And there was also objection to the budget certification authority that we give the director of the office.

Senator GRAHAM is a practical and realistic man on matters of this kind. We know there is concern in the Senate about the requirement of confirmation of the director of this office and the budget certification authority. We are consulting with our colleagues to see if they will support a proposal that would modify these titles by simply removing the Senate's authority to confirm and the budget authority given to the director and leave an office of counterterrorism. This office would be appointed by the President without confirmation by the Senate, but with a guarantee that the broader counterterrorism war that we will be fighting for years will have in the White House, close to the President, an adviser for whom that is his or her only responsibility.

We think this proposal is a way that Congress, respecting the President and his authority—this President and Presidents to follow—can guarantee as much as we can by the law that is in a quieter time further from the pain and shock of September 11, 2001; that America will not fall into a slumber and allow itself to be vulnerable once again as we were a year ago yesterday to terrorism's awful sword.

I report that to my colleagues. I hope members of both parties and our friends at the White House will consider that as a good-faith possibility and see whether we can build a consensus to go forward on it.

I thank the Chair. I yield the floor. 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. LIEBERMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the time consumed by the quorum calls be taken equally from both sides on the time remaining.

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

Mr. LIEBERMAN. I thank the Chair and, again, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I also yield myself 10 minutes on the side of Senator LIEBERMAN in opposition to the Thompson amendment.

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

Mr. DURBIN. Mr. President, President Bush could not have made a better choice for Director of the White House Office on Homeland Security than Gov. Tom Ridge. We served together in the House of Representatives. We are personal friends. And I hold him in the highest regard. He is clearly the right person for this extremely difficult task and assignment and has done a great job under trying circumstances and in a very brief period of time.

However, I believe we must keep title II in the bill, which establishes a National Office for Combating Terrorism in the White House, with a Presidentially appointed, Senate-confirmed Director, not as any rebuke to the President or Governor Ridge, but to give Governor Ridge the tools he needs to be even more effective.

I cosponsored Senator GRAHAM's bill, S. 1449, to establish this office and supported its inclusion in Senator LIEBERMAN's original bill to establish a Department of Homeland Security, which I also cosponsored.

I refer my colleagues to testimony given by Retired General Barry McCaffrey, before the Governmental Affairs Committee, on October 12 of last year. He spoke about organizing our Government to protect America. Here is what he said:

> Our government does best when it establishes institutions for the long haul that are based on rationality, not personality. . . . The terms of this office—how its leadership is appointed, where its monies come from, what powers it wields, who it is accountable to—must have the permanence of law. . . . Any Cabinet member, current or former, will tell you how important it is to have the Commander-in-Chief in your corner. However, when push comes to shove, it is even more important to have the law on your side.

General McCaffrey's experience as our antidrug czar at the Office of National Drug Control Policy brought him to his strong conclusion that the White House Office on Homeland Security must have its own budget and the position must be confirmed by the Senate. Without those ingredients, the Director would have neither the clout to fight Washington's bureaucracy nor the accountability before Congress to do his job effectively.

General McCaffrey's testimony was borne out by our experience here in Congress when numerous committees asked Governor Ridge to testify about homeland security. He was unable to because he said: I am a staffer of the President. I am not appointed by the Senate.

Governor Ridge was finally allowed to testify by the White House but only after the President decided he wanted to create this new Department.

Title III, which the Thompson amendment would strike, gives the job of developing a national strategy to combat terrorism and a comprehensive antiterrorism budget to the National Office for Combating Terrorism.

Having clout in the budget process is essential. President Bush says Cabinet Secretaries know that Governor Ridge has his trust and must put aside turf wars. But what we are setting up here are institutional structures.

Government officials come and go. Not all will have the close personal relationship that Governor Ridge enjoys with President Bush. The President certainly has the right to structure his staff and his advisors as he pleases, but we have the responsibility in Congress to pass legislation to establish structures of Government which will endure.

Let me say this as a parenthetical observation: One of the things I added to this bill—and in which I have particular pride—is an effort to try to establish some sort of architecture for computers and information technology in this new Department. I could go on for some time about the dismal state of computers at the premier law enforcement agency of the United States, the Federal Bureau of Investigation. It is a fact, if you look at the various agencies we will count on to protect America, that in terms of computer capability, it is almost as if you were traveling across the world and you picked countries that were computer illiterate and asked them to communicate with those that were the most sophisticated. That is what we have in the Federal Government.

What I tried to do with this bill is to establish a standard for coordinating computer architecture, a Manhattan project. I put it in the Office of Management and Budget, frankly, because I couldn't assign it to a higher level and get it passed by committee. That is sad. But it is a fact. What I believe we are trying to establish in this bill is to make sure that within the White House there will be someone always close to the President who is willing to rip through the bureaucracy and to establish the standards and procedures to make sure that America is safe. Unless you have someone at that high level close enough to the President to get it done, someone who is going to deal with it, you will run into a problem. Saying in this situation that we are going to have in a Department of Homeland Security someone who is going to be subjected to Senate confirmation, separate budget authority, is to give them enhanced authority as well.

Departments and agencies with major responsibilities for homeland security, including the Department of Defense, State, and Treasury, the FBI, the entire intelligence community, among many others, are properly not included in the new Department. There will be a critical job to do to develop a national strategy for computers, for information technology and beyond, and coordinate this strategy so that the agencies of this new Department can effectively combat the threat of terrorism against the United States.

I hope my colleagues in the Senate will support the language put in this bill by Senator LIEBERMAN after deliberation in committee and oppose the Thompson amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. GRAHAM. Mr. President, I speak in opposition to the amendment, which would strike titles II and III from this legislation.

These two titles together will provide, within the community concerned about securing the homeland, the direction and capacity to develop a comprehensive strategic plan of how to accomplish that very difficult objective, and then to place within the White House an officer who is responsible for the specific function of combating terrorism. The subfunctions of that office will be to coordinate the variety of agencies that will have some responsibility for implementing the strategic plan.

Some have thought that no office such as this is necessary because we are about to bring a whole Department of Homeland Security. We have a Department of Defense, but we also have within the White House a national security adviser whose job is to coordinate national security issues. The reason is because, as broad as the Defense Department is, it does not contain all of the activities of the Federal Government that relate to national security. It does not include the State Department, which has our diplomatic and foreign relations function. It does not include the Department of Treasury, which has some important national security responsibilities as it relates to economic issues. It does not include the Department of Energy, where most of our nuclear development responsibility is placed.

So we have an agency in the White House to bring all those Departments that have some national security function behind a common strategy. This is exactly the purpose of this office within the White House, and that would be deleted if this amendment were to be adopted. There will be no entity that has statutory status that will be responsible, or capable, of trying to bring all of these agencies together. That is the most fundamental reason.

But there is another reason why I think this office is very important. In my judgment, the threats the United States will be facing in our homeland and abroad are likely to escalate over the next period of time. No. 2, it is exactly during this period of time that this new Department of Homeland Security is going to be trying to integrate almost two dozen agencies that have had their homes elsewhere—in some cases, for a century or more.

It is at this very time that there is likely—I suggest not likely, but there almost certainly will be considerable resistance to achieving the cohesion that is going to be necessary to accomplish this objective. I suggest that it will not be long before we have a debate on the floor about why did a certain misstep occur or why was a gap allowed to go unfilled, as we try to put together a structure to protect our homeland.

I suggest that an answer to those questions is going to be that there was so much support for the status quo and resistance to the sort of change that could not be overcome sufficiently and in time to avoid an unnecessary vulnerability. That is my prediction. I don't believe there is any suggestion that will give absolute certainty that my prediction will prove to be false. But I believe that having this office within the White House, where there is somebody who wakes up every morning thinking about fighting terrorism, and who is in an office within walking distance of the President of the United States, will give us a greater opportunity to achieve the speedy, expeditious, and effective coordination activities that will be necessary to protect our homeland.

This office has some considerable powers. For instance, it has the power to certify budgets. Why does it have that power? Because I can tell you that there is going to be a tendency of an agency that has been doing a set of functions for a long time, and now they suddenly have a homeland security function, and when that new function is battling inside the agency with all of those that have had a long history and a constituency and a political support base, any new function is not likely to do very well. We learned that lesson in the war against drugs. The very fact that Congress made this a priority didn't result in it being a priority in the agencies that had their operational responsibility. I suggest the same thing is likely to occur here.

Unless you have somebody to tell that agency that unless you put an additional $15 million into carrying out your part of the strategic plan of homeland security, we are going to decertify that part of your budget—that is the kind of clout it is going to take—if we don't feel that this issue is worthy of giving this office that kind of responsibility, then I am afraid we are going to be coconspirators in a plot which is going to have a bad conclusion.

So I urge that if, as I anticipate, there will be a motion to table the Thompson amendment, that motion be supported so we can retain this important position within the White House, recognizing that its ultimate power is going to come from the President himself, but it will give the President, who wants to have the most effective homeland security, an agency that we in Congress have established and, therefore, have invested our confidence in, which he appoints, and which will have the capability to give us the best hope that we can accomplish our objective of defending the homeland against terror.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, very briefly, I thank the Senator from Florida, Mr. GRAHAM, for his hard work on this part of our bill. It is work that really goes back to last fall. I think he is absolutely right. I appreciate his accommodation to the fact that there may be Members of the Senate who support the basic idea of an office in the White House to coordinate our antiterrorism efforts in various agencies but are concerned about the power the current language gives the Senate to confirm the nominee to that position. Therefore, we will offer a motion to table at the time the vote on Senator THOMPSON's motion to strike comes up, with the intention of offering a second-degree amendment to give Members the opportunity to vote on the concept of an office of counterterrorism in the White House, to coordinate our antiterrorism efforts, without the necessity for Senate confirmation, which the President, we know, opposes.

I yield the floor.

Mr. THOMPSON. Mr. President, I am prepared to yield back the remainder of our time. It is imperative that we have a vote in 2 minutes. The Senator from Utah wanted a moment. From looking at the clock, we have 2 minutes until 2 o'clock; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. THOMPSON. How much time does each side have remaining?

The PRESIDING OFFICER. The Senator from Tennessee has 12 ½ minutes. The Senator from Connecticut has 28 seconds.

Mr. THOMPSON. The Senator from Connecticut has how much?

The PRESIDING OFFICER. He has 28 seconds.

The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I strongly support Senator THOMPSON's amendment to strike the portions of Senator LIEBERMAN's substitute amendment that would create a National Office for Combating Terrorism in the White House. Senator LIEBERMAN's substitute would create this Office in the White House in addition to creating the Department of Homeland Security. I initially question the wisdom of creating two separate offices with identical goals and overlapping jurisdiction, when the entire point of creating a single Department of Homeland Security is to oversee and coordinate the efforts of many different agencies in this immensely important area. But I have another, more pressing concern: encouraging good decision-making.

Senator LIEBERMAN's bill would make the heads of both the National Office for Combating Terrorism and the Secretary of Homeland Security subject to confirmation by the Senate and congressional oversight hearings. So far as the office in the White House is concerned, I disagree with such an

invasive approach. We need to be mindful of the important role that confidential communications play in the deliberative process for all important decisions—including the decisions that we as lawmakers make after careful and candid discussions with our staff. Just as we would be wary of those who would seek to intrude into these communications, so too should we be reluctant to interfere with the President's deliberative process and the frank communications he has with his advisers in the White House on critically sensitive issues such as our nation's security. Of course, I have no objection that the head of the new Department of Homeland Security be Senate-confirmed, but it simply does not follow that such an approach should be extended to the President's own advisor on these issues.

As responsible lawmakers, we must recognize that we simply do not have the same license to specify the duties of the President's senior advisers in the White House as we do to specify the duties of agency officers and staff members who exercise legislative duties. We should take our cue in this area from the National Security Act of 1947, which established the National Security Council. As we all know, the President may appoint very senior advisors to the NSC—like Dr. Condoleezza Rice—who are not subject to confirmation by the Senate. That fact certainly does not detract from Dr. Rice's stature, but in fact enhances it. Anyone who deals with Dr. Rice knows that she has the backing of the President—precisely because she has his confidence and is beholden to no one else.

There certainly must be an advisor within the White House who advises the President on matters that pertain directly to our homeland security, as the President has recognized. But there is absolutely no reason why that office should be made—and micro-managed—by Congress. Why does both the head of the Department of Homeland Security and the President's Homeland Security Advisor need to be confirmed by the Senate? There is no doubt that Homeland Security is of paramount importance, but so is national security in general. And does this mean we are going to require that Dr. Rice be Senate confirmed? How about Karl Rove and Andy Card? A step in this direction is simply misguided and unwise.

I yield the floor.

Mr. THOMPSON. Mr. President, I am prepared to yield back our time if the Senator is.

Mr. LIEBERMAN. I am. I yield back our time as well.

The PRESIDING OFFICER. All time is yielded back.

Mr. LIEBERMAN. Mr. President, I move to table the Thompson amendment before the Senate. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SHELBY) and the Senator from New Hampshire (Mr. SMITH) are necessarily absent.

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

The result was announced—yeas 41, nays 55, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—41

Baucus	Durbin	Lieberman
Biden	Edwards	Lincoln
Bingaman	Feingold	Mikulski
Boxer	Feinstein	Murray
Byrd	Graham	Nelson (FL)
Carnahan	Hollings	Reed
Carper	Inouye	Reid
Cleland	Johnson	Rockefeller
Conrad	Kennedy	Sarbanes
Corzine	Kerry	Schumer
Daschle	Kohl	Stabenow
Dayton	Landrieu	Wellstone
Dodd	Leahy	Wyden
Dorgan	Levin	

NAYS—55

Allard	Ensign	McConnell
Allen	Enzi	Miller
Bayh	Fitzgerald	Murkowski
Bennett	Frist	Nelson (NE)
Bond	Gramm	Nickles
Breaux	Grassley	Roberts
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Harkin	Smith (OR)
Campbell	Hatch	Snowe
Cantwell	Helms	Specter
Chafee	Hutchinson	Stevens
Clinton	Hutchison	Thomas
Cochran	Inhofe	Thompson
Collins	Jeffords	Thurmond
Craig	Kyl	Voinovich
Crapo	Lott	Warner
DeWine	Lugar	
Domenici	McCain	

NOT VOTING—4

Akaka	Smith (NH)
Shelby	Torricelli

The motion was rejected.

Mr. LOTT. Madam President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4533

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4533. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. SMITH) is necessarily absent.

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

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—48

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

NAYS—49

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

NOT VOTING—3

Akaka	Smith (NH)	Torricelli

The amendment (No. 4533) was rejected.

Mr. THOMPSON. I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

ORDER OF PROCEDURE

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the Senate go into morning business for up to 10 minutes, allocated to the Senator from Vermont for the purpose of introducing legislation, and that when the Senator is done, I be recognized for the purpose of offering an amendment to the pending matter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Vermont.

(The remarks of Mr. JEFFORDS and Mrs. CLINTON pertaining to the introduction of S. 2928 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Senator from North Carolina be recognized to speak for up to 10 minutes in morning business, and that immediately after his remarks, the Senator from Connecticut be recognized for the purpose of offering an amendment.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

The Senator from North Carolina.

(The remarks of Mr. EDWARDS are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut.

AMENDMENT NO. 4534 TO AMENDMENT NO. 4513

(Purpose: To provide for a National Office for Combating Terrorism, a national strategy, and for other purposes)

Mr. LIEBERMAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 4534 to amendment No. 4513.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. LIEBERMAN. I yield now to the Senator from Florida, my cosponsor on this amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. GRAHAM. Mr. President, earlier today and, to a greater extent, at the end of last week, we had a debate on the issue of the establishment within the White House of an office to combat terrorism.

The rationale for that office is several-fold. One, not all of the agencies that will have responsibility for protecting the homeland against terrorism are in the Department of Homeland Security. There are a number of important functions—all of the intelligence agencies, the Department of Defense, the Department of Justice, to mention three, which clearly have a significant role in protecting the homeland—which are not within the Department of Homeland Security. So that creates the need for someone who is in a position of responsibility to coordinate their activities in order to achieve a cohesive, comprehensive plan to protect the people of the United States.

That also raises a second necessity, which is that there be a consistent strategic plan of action around which all of these agencies will organize their antiterrorism activities. That is title III of the legislation that has been introduced by our colleague from Connecticut—the requirement that there be such a comprehensive strategic vision of how we are going to protect this very open and free society of America against terrorist attacks.

A third reason why I think this office is important is because we know the resistance that is going to occur to the changes that we are now suggesting. We are asking agencies which, in some cases, are a hundred years or more old to change those old habits, to reprioritize, to put at the top of their list defending the homeland against terrorists. There will be, both within the agencies and among the agencies, some conflicts, inevitably. We need someone who has the voice, who has the ear, who has the appointment of the President of the United States to be able to moderate and resolve those conflicts, and to do so in a clear and expeditious manner so we do not exacerbate unnecessarily the vulnerability of the American people while agencies are engaged in bureaucratic catfights.

A final reason why I think this is important is that we need someone to perform a function that, frankly, has not been adequately performed in the last decade, vis-a-vis our intelligence agency. That function is to constantly challenge the agencies that have homeland security responsibility as to their relevance.

There is a tendency for an agency that has been doing its business in a particular manner for a long time to be resistant to taking on new habits—maybe it is the governmental equivalent that it is hard to teach old dogs new tricks, that it is hard to teach old bureaucracies new patterns of activity. I use the intelligence community as an example of that truth. They grew up, beginning with the establishment in 1947, as agencies which had as their role of being to develop and analyze information relative to the Soviet Union and its Warsaw Pact allies.

It has been largely since the end of the cold war that the intelligence community has broadened its focus on the rest of the world, where the United States has important interests that it wishes to know more about and to have a greater analytical capability to decide what we ought to do about it. The intelligence community, in my judgment, was slow to make that transition. Part of the reason is that they were not produced adequately. They were not asked with sufficient frequency and aggressiveness: Are you relevant to the kinds of challenges that you face today?

I believe that is part of the responsibility of Congress, part of our oversight. It also will be a responsibility of this new office within the office of the President to be asking these agencies that have homeland security responsibilities: Are you relevant to the kinds of challenges that we have facing our Nation today? So those are the essential rationales.

Now, the concern that was expressed last week was not that we were going to have such an office. In fact, at one point, the Senator from Tennessee and I, I thought, had a common agreement that there was the need for an entity in the White House that could perform those functions. The question, then, became calibrating just how much influence and power should that Department have.

I personally was, and continue to be, an advocate for a strong, very robust office of counterterrorism in the White House because I think the challenges of inertia and resistance to change are going to be significant, and there will have to be an effective, even more assertive force in the other direction to get the kinds of changes the American people expect our Federal Government to make in order to give the priority that we expect to protect the homeland against terrorists.

But it is clear from the vote that we have just taken that the majority of the Members of the Senate feel that goes a little too far. So what Senator LIEBERMAN and I have been doing over the past several days is trying to think through what could be essentially jettisoned from this legislation as it relates to the office within the White House that would still maintain the essential credibility of the office to perform its function but would make it acceptable to a majority of our colleagues.

The two issues that we have identified for such discharge are, first, the provision that the Presidential appointee to the office of antiterrorism be subject to Senate confirmation, and, second, the provision that gave this office the capacity to decertify budgets of the agencies which had some homeland security responsibility if it were determined that they were not allocating sufficient funds to that function within the agency, which was that agency's part of the comprehensive plan to fight terrorism in the homeland.

I offered this amendment with my colleague, Senator LIEBERMAN, with some anguish because I think those two levels of accountability and capability are important to assure us that we can achieve what we must achieve in defending the homeland. But in order to be able to save the larger concept of such an office in the White House, which now will be almost a parallel to the office that is held by Dr. Condoleezza Rice, as the National Security Adviser—that office is a statutory office, appointed by the President, created by Congress, but not subject to confirmation. That will be this office. It will be an office created by statute by the Congress, so it will have the legitimacy of law. The head of the office will be appointed by the President and not subject to Senate confirmation. That is the model we will have if this amendment is adopted.

What happens if we do not adopt this amendment and then proceed to adopt the Thompson amendment which will delete both title II and title III? There will be no congressional directive that it is important to have an agency to coordinate the multiple Departments of the Federal Government with homeland security responsibility. In fact, it could be interpreted as a congressional statement that we affirmatively do not want there to be a place in the Federal Government that can bring these Departments together; that, for some reason, the experience we learned since 1947 as to the importance of a National Security Adviser who can perform that function for national security is not relevant to the kind of challenges we are now going to face in terms of domestic security.

Second, with the elimination of title III, we will have no congressional directive to establish a strategic plan for homeland security and to have the strength of Congress in support of that plan. I think it is worth giving up the confirmation and the budget certification if we can retain the fundamental principles of the importance of an agency that can achieve collaboration, can organize behind a strategic plan, will have the strength that comes from congressional creation and Presidential appointment, and will be able to move us as rapidly as possible into the best posture to defend our homeland and be a constant product to see that these agencies are cognizant of the changes that will inevitably be occurring in the environmental threat in which they will be operating and that they are prepared to constantly be reinventing themselves, adapting themselves to effectively respond to the challenges that will be different 10 years from now than they are today, and much different 30 years from now than they are today.

I urge the adoption of this amendment which I consider a compromise offered in good faith that meets the primary concerns that were expressed in this Chamber last week and again today but allows us to move forward with a totality of national policies, including Department of Homeland Security, the responsibilities that will continue to be vested in other agencies outside of the Department of Homeland Security, and an entity within the White House with the ear and the confidence of the President capable of seeing that the whole of these work together in a cohesive team for the defense and protection of the people of America.

I urge the adoption of this amendment and then the defeat of the underlying amendment.

THE PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 2928 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LEAHY. Mr. President, I thank the distinguished leaders for allowing me this time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Florida, Mr. GRAHAM, for not only his eloquent statement and his spirit of accommodation that leads him to offer this second-degree amendment, but also for the work he has put into this idea.

It is an excellent idea—I have said this before and I will say it again briefly—the pending amendment, which is to say the underlying amendment that came out of the Senate Governmental Affairs Committee, is our best effort to respond to the terrible events of September 11 and to protect the American people from anything like that ever happening again. That is done, first, with the creation of a Department of Homeland Security, and second, with, in the White House, this National Office for Combating Terrorism—one focused on homeland defenses and the other serving as an adviser to the President, coordinating all our antiterrorism activity which goes well beyond homeland security to defense, law enforcement, foreign policy, foreign aid, economic policy, et cetera.

Senator GRAHAM has worked hard on this issue, and I think presented a very good proposal. It was, as the last vote indicates, not the will of the Senate to accept it in its current form. Many of our colleagues indicated to Senator GRAHAM and me that they might be able to support this office if there were no Senate confirmation. Senator GRAHAM has agreed by this amendment to remove that requirement.

What would be left then would be quite similar to what the National Security Adviser has been doing for some period of time since that statute was created, a statute which coordinates advice to the President in a particular subject area. In this case, that subject area is terrorism, which according to most experts outside and inside the Congress, will likely be the dominant threat to our security in the next period of our history.

So the best proposal, which we had hoped would be accepted, would be to provide for Senate confirmation. The Senate has expressed its will there, and I think Senator GRAHAM has now offered the next best idea. I am privileged to be a cosponsor of this amendment with him, and I do so with some sincerity, particularly because of the other section of this legislation which does create a Secretary of Homeland Security who, of course, is subject to Senate confirmation and is accountable to the Senate.

So the concerns I had, the Senator had, and so many others had about the previous Office of Homeland Security being occupied by an individual not subject to Senate confirmation, and therefore not accountable to the Congress, has now been overcome with the creation of the Department of Homeland Security; that no matter what its shape, which I think we all agree will be created by the end of this session, now allows us to take a step forward, not as large as the committee proposal would have taken but nonetheless a significant step forward in creating the office and thereby giving this President and future Presidents one individual within the White House whose direct function is to coordinate the entire antiterrorism effort of the United States of America.

I support the amendment before the Senate.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I am sorry I have not been in a position to be following the debate. Without losing my right to the floor, Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending question is on the Lieberman second-degree amendment to the Thompson first-degree amendment.

Mr. BYRD. When was this second-degree amendment introduced?

The PRESIDING OFFICER. Within the last 15 minutes.

Mr. BYRD. I have not had an opportunity to study this amendment. I did hear, though, the distinguished manager of the bill say something to the effect that this amendment would eliminate the requirement for Senate confirmation of the—is it the Director of Homeland Security?

I ask that I retain the right to the floor.

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

Mr. LIEBERMAN. Responding to the Senator from West Virginia, this amendment, which is suggested by Senator GRAHAM, who was the originator and implementer of the idea of a separate White House office on antiterrorism, would leave the Secretary of Homeland Security unchanged.

The Secretary would be nominated by the President and confirmed by and accountable to the Senate, and the new office on antiterrorism that would be created in the White House in our original proposal was subject to Senate confirmation, as well. We heard from many colleagues, particularly on our side of the aisle, who thought that since we were creating a Department of Homeland Security with a confirmable Secretary, it was a mistake to require confirmation of an office in the White House. Senator GRAHAM has responded to that and, as a result, offered this second-degree amendment to create the Director, who would be appointed by the President, without confirmation by the Senate.

Mr. BYRD. Mr. President, I thank the distinguished manager of the bill. I strongly disagree with those who believe the Director within the White House need not be confirmed. I am very opposed to that idea. I am ready to speak at some length on this. Do I have the floor?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Very well. While I am speaking, I hope my staff will bring some of the materials I have prepared to use. I am not going to go along with an immediate vote on this, I can tell Senators that. I am sorry I had to get to the floor ahead of Mr. THOMPSON—I saw him standing—but I was concerned. I will yield to the Senator if he has an amendment to beat this amendment, but I am not yielding the floor now.

Mr. THOMPSON. And I would not try to take it, even if I thought I could.

I respond to my friend from West Virginia by saying, I was simply going to address the issue very briefly and ask for the yeas and nays, frankly, on the second-degree amendment.

I might add, I think the Senator is correct in the way he described it, but we had three basic concerns. One had to do with the Senate confirmation. The other one had to do with the fact that it put this person in a position of being a strategy maker, a statutory strategy maker, when we already have a national strategy.

I have no objection to reporting to Congress periodically, but being in on the front end of that, I think that horse has already left the barn.

Mr. BYRD. When?

Mr. THOMPSON. In July.

Mr. BYRD. How?

Mr. THOMPSON. When the President presented the national strategy.

Thirdly, the new Director is still a pretty big player as far as budget authority is concerned.

Mr. BYRD. Yes.

Mr. THOMPSON. Those were three things we had concern about, and now it is down to two. I was going to make those points, move to table, and ask for the yeas and nays. That was my intention.

Mr. BYRD. I thank the Senator.

Mr. President, I have been saying to my Senate colleagues that we had better take some time and look at what we are doing. What was about to happen, in my judgment, would have borne out my concerns and my warnings. An amendment has been offered by the distinguished manager of the bill. He certainly has far more expertise with respect to this bill than I have. He has spent days, nights, and weeks, I would say, on it. So in taking the floor at this time, as far as I am concerned, it is a labor of love. I am not on the committee, but this is a good example. Senators—at least one Senator—did not know what we were doing. An amendment was called up, I understand, 15 minutes ago. I do not think I have inaccurately stated what Senator THOMPSON had indicated with reference to when this amendment was called up. We will say within the last half hour. I suppose that is accurate.

The amendment comes from my side of the aisle. Normally, I might not pay quite that much attention to it, but I have spent a lot of time on the House bill and on the Lieberman substitute, and I have been very concerned that Senators really are not paying attention. That is my observation. I may be very wrong in that. I am sure the Senators on both sides of the aisle who are members of the Lieberman committee know what is going on.

But I don't know about the rest of us.

Here we have an amendment before the Senate, as I understand it, that would eliminate the requisite confirmation by the Senate of the Homeland Security Director, the individual who is in the White House, occupying a place which is now occupied by Mr. Ridge. It would seem to me we ought to require confirmation of that person.

I heard Mr. LIEBERMAN say that it is somewhat similar to the National Security Director, Condoleeza Rice. She does not require confirmation. We have a State Department, Secretary of State and the Secretary of Defense we can call up at any time and find out what we want to know with respect to defense and international security matters. I made that same argument with respect to Condoleeza Rice back in the days when Senator STEVENS and I were trying hard to get the President to send Mr. Ridge before the Senate Appropriations Committee to answer questions with respect to the appropriations budget. There were those who said Dr. Rice does not have to come before the Congress and answer questions, and I said we can get the Secretary of Defense or Secretary of State. That is quite true.

However, Mr. President, the Homeland Security Department is going to be in a far different position than Dr. Rice is in. The Director of Homeland Security will be the person who knows all the answers with respect to homeland security. That persons's powers will be far broader in many ways than Dr. Rice and her powers.

The first Secretary of State was appointed in the very early days of the Republic. The same was true with the Secretary of War and the Secretary of the Treasury. We have something before the Senate that is new, a situation that has never prevailed in this country, where it is attacked from within by terrorists and where the President has used an Executive order to create a homeland security agency. I don't think much of this Executive order, as a matter of fact. I am afraid we are seeing too many of them, too often. The position that Governor Ridge has now held was created by an Executive order. This is not just a little clerk down there in the bowels of the White House working. This is not just an ordinary adviser. This is a new type of war. This is a new type of agency, a new kind of department.

Yes, we need it. I have been in favor of creating a Department of Homeland Security. But having read the administration's proposal with respect to the creation of the Department, and having read the House bill, H.R. 5005, in regard to the creation of the Department, I have been more and more constrained to believe that we have a new ''animal'' in this Department of Homeland Security. It is not like the Department of Energy. It is not like the Department of Interior or the Department of Transportation. It is not like most of the Departments that have been with this Government for a long time, several of which have been created while I have been a Member of Congress.

This is an entirely different breed of Department. This is a Department that is going to encompass many issues that are of interest to several of the Departments, the Secretaries of which were not even aware of when the President announced his intention to create a homeland security agency, and an agency answerable to him. Many of the Secretaries who are in the Departments that were to be ultimately involved were not aware of this until the day the President announced it, I am told, or at least I read that in the newspaper. So this is a new animal.

If all Senators would read the House bill, they would get a reflection of the administration's wishes with respect to the Department of Homeland Security—not entirely. I believe the House bill is in some respects better than the administration's proposal, but the bill by Mr. LIEBERMAN's committee, as reported out of his committee, is better than the House bill.

However, we have had too much of this lately: An administration that wants a program run out of the White House. And now the administration does not want this position confirmed. Let me restate that. The administration does not want the Director to be confirmable by the Senate. That alone makes me very suspicious. We have an administration that operates a great deal in secret, wants to operate even further in secret, wants to be more secretive.

It was very secretive about the so-called shadow government. I didn't know anything about shadow government until I read about it in the newspaper. The administration tried to claim that I had been told what that was. The administration was wrong 100 percent. I had never been told. Of course, after this appeared in the newspapers, the administration was willing to try to come up and explain what this is about. And we have seen this whole Executive order with respect to a Department of Homeland Security, the way in which that suddenly emerged from the dark mists of secrecy, we have seen the same path.

We have an administration that looks upon the Congress of the United States as a subordinate body. I am sure some of the administration officials look upon Congress with utter contempt. They don't want Congress in this position. The Senate, of course, is one-half of the Congress, being one of two branches. I don't want that. And I am not going to knuckle under to what they want. This Senator is not—now, tomorrow, or the day after tomorrow in this respect.

I may be overridden. The Senate, I said myself, is more than the 100 hearts, and the Senate will eventually work its will on this, I suppose. But it is not going to do so in the next 15 minutes. This is a position that ought to be confirmed. It doesn't make any difference what President Bush wants or what he doesn't want. The Congress is an equal branch.

This Congress is unlike, perhaps, the State Legislature of West Virginia. The State Legislature of West Virginia may

feel it has to go along with its Governor. I have been in the State Legislature of West Virginia. I know a little about how legislatures work and how Governors operate at the State level. They generally are very concerned about the State constitution, what it allows with respect to the budgets and so on, the State budgets. I have seen some other Governors come to Washington as President and they think that, well, they did it this way in the government of Georgia or they did it this way in the State of California or they do it this way in the State of Texas. Well, things here are not done as they are done at the State level in West Virginia.

Why should we bend to the administration's opposition to this point? Why shouldn't this individual be confirmed? It is not enough to say: Well, the National Security Adviser doesn't require confirmation.

It is not enough to say that. That does not win the jury, I would hope, in regard to a Homeland Security Director. Just because Dr. Rice isn't required to be confirmed is no good reason why the Director of Homeland Security—be it Mr. Ridge, eventually, or John Doe—there is no good argument as to why that person should not be confirmed.

Are we going to sheath our sword and leave the field on that flimsy argument: Well, Dr. Rice is not confirmed so I see no harm in not having the Director of Homeland Security confirmed.

It is an entirely different argument. It is as different as day and night. That is no argument. Why should I say I take my seat now and let this vote occur in the next 15 minutes—or the next 30? That is no argument. Who is here to hear the argument? There may be a good many Senators in their offices listening to it. That is how I kind of caught on to it.

I am prepared to speak for several hours, if I can get the materials I want that I have gone over during the recess. I don't know how other Senators spent their time. I am sure they were very busy during the recess, but I spent most of the time during the recess studying the House bill and the Lieberman substitute. I had objected, as Senators will recall, to going to the bill before the recess. I had objected to taking up any substitute before the recess. I felt that it was a matter worthy of considerable time and debate.

I was here when we created the Department of Energy. I was here when we created the Department—today they call it Health and Welfare or something like that. Abe Ribicoff was the Secretary of that Department. He later came here as a U.S. Senator. I was here when the Department of Veterans Affairs was created. Thank God I am here now when we are discussing the creation of this Department. This is a far different kettle of fish.

Why should this Senate kowtow to any President, whether it be Democrat or Republican? If former President Clinton were in the White House today, I would take the very same position. It is not because we have a Republican in the White House. It is because we have an administration that is intent on being secretive, has only a sneer, as it were—at least some of the people down there—for the Congress of the United States. It looks upon the Congress with contempt.

Some of the people in the administration don't want to live by the ''rules'' that have governed for many years. I use the word ''rules'' because I am remembering, in one case, one of the Cabinet officers using that word. We are tied down by rules.

The administration people read ''Gulliver's Travels.'' It must have been required reading because they continue to talk about the Lilliputians. That is the attitude toward the Congress of the United States.

I do not want to give any administration too much power. I want any President to have whatever power he needs to deal with the protection of this country, homeland security. But I do not want to give any President power that he does not need but wants, and so I am a little bit aghast at the willingness of some of our people on my own side to just bow down and scrape and say: Well, no, that's not too important. We don't confirm Dr. Rice. We didn't confirm her predecessor. We don't confirm the security advisers. Therefore I see no reason why we need to confirm the Director of Homeland Security.

I do. There is a great deal of difference. And, also, I haven't had an opportunity to read this amendment. I had an opportunity to talk with Senator LIEBERMAN, perhaps for 2 minutes here, and with Mr. THOMPSON for less than that. I haven't read this amendment, but I have heard enough about it to oppose it—to oppose Mr. LIEBERMAN's amendment.

Of course I will be against Mr. THOMPSON's amendment, also. I am against his amendment, too. But the first vote would come on or in relation to the Lieberman amendment—I believe that is right. The first vote would come on or in relation to the Lieberman amendment as against the Thompson amendment. I assume Mr. THOMPSON is going to move to table the Lieberman amendment.

Mr. LIEBERMAN. The Senator from West Virginia is correct. It is a Lieberman-Graham amendment, and I think it is Senator THOMPSON's intention to move to table it.

Mr. BYRD. And the distinguished Senator from Connecticut, Mr. LIEBERMAN, for whom I have tons and tons and tons of respect, is opposed and he has offered an amendment now, as I understand it, that would run up the white flag. I will use my own words. I am sure the offeror of the amendment wouldn't use those terms, but in my words, would run up the white flag insofar as confirmation, required confirmation of the Homeland Security Director by the Senate is concerned.

I would like to have the Senator's response. He is entitled to respond. I ask unanimous consent that I may retain the floor.

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

Mr. LIEBERMAN. Mr. President, responding to the Senator from West Virginia, I need to say that I wouldn't describe it as running up a white flag. Senator GRAHAM, who has constructed this section of the bill which I have supported, felt in the exercise of practicality but also because he feels so strongly about the importance of at least putting in law a requirement—again, exercising the power of Congress. There are some in the Chamber who believe Congress should never tell the President what to do about anything, and if the President wants to create an adviser on counterterrorism he should have the right to do that or not do that.

Mr. BYRD. Yes. There are monarchists—not anarchists—in the Congress, I will admit.

Mr. LIEBERMAN. That is a word I would embrace. That is quite right. Our Framers did not create a monarchy. They created a Republic with a President with substantial powers—accountable to the Congress with substantial powers—and to the people we are all ultimately accountable. The Senator from West Virginia is not just a Senator but ''the Senator.'' He has had so much experience over some years here. He knows, as we have all experienced these days, that sometimes we come to a moment where we can't quite achieve—Senator GRAHAM is at an Intelligence Committee meeting, so I am taking the liberty of speaking for him—the ideal that we aspire to because the votes have been counted and we don't have the votes. That was the clear message from the vote.

It was important, nonetheless, to take a significant step forward and create the office, with a law to guarantee that there would be somebody in the White House whose sole responsibility is to coordinate our government-wide antiterrorism program. I must say that I am quite personal about this issue.

I said to the Senator from Florida when we talked about introducing the second-degree amendment that we may not have the votes for this, either. I understand the Senator from West Virginia has a different point of view on what has been done. But Senator GRAHAM feels so strongly about the importance of at least creating the office, even if we can't achieve the ideal of Senate confirmation, that he wanted to offer this amendment notwithstanding the possibility that the White House is not negotiating very much at this point. They are just wanting it their way or no way. But he wanted to give this option to the various Members of the Senate, particularly on this side of the aisle, who say, Senator GRAHAM, Senator LIEBERMAN, I like your idea but I don't like the idea of Senate confirmation.

That is the purpose of this amendment. I know how strongly the Senator from West Virginia feels about the prerogative of the Senate. I agree with him in this case. It is just that we haven't been able to achieve what we wanted here, although we hoped we might achieve a good part of it.

I thank the Senator for giving me the opportunity to respond. It is not my nature to settle for less than the ideal, but, as the Senator knows, sometimes in our democratic system we have to do it to achieve some progress.

I thank the Senator.

Mr. BYRD. Mr. President, I thank my dear friend, the distinguished junior Senator from Connecticut, and the standard bearer for the Democratic Party in the last election, and a man whom I greatly respect for other reasons. He and I have many kindred feelings when it comes to the discussion of religion. I admire him for many, many things in that regard. If we wanted to get into the discussion of the cosmological principles that guide the operation of this universe, and if we wanted to talk about Charles Darwin, that great English naturalist and his theory of survival of the fittest, the Senator and I have a lot of kindred thoughts.

I understand Senator GRAHAM. He is a former Governor. There is nothing wrong with being a former Governor. But Governors have a way of looking at things a little differently than those lowly peons like myself who served in the House of Delegates and the State Senate of West Virginia. I can understand how a Governor sees things—even at the Federal level—because sometimes they see things through the lens of their experiences as Governor dealing with State matters and State constitutions. I can understand that. I wish I had been a Governor of the State of West Virginia at some point. I would like to have that additional experience.

But I cannot yield without more than just a clash of sword against a shield, even to Senator GRAHAM. I have great respect for him, but he is wrong in this instance. When he gets to the floor, I will tell him I said that. I say that out of respect to him. We can all disagree. I sometimes try to remember that I can be wrong, and often am. But this is wrong.

I would be happy to debate this with Senator GRAHAM until the cows come home, if he wishes. He feels strongly, as Senator LIEBERMAN says. I take that exactly the way Senator LIEBERMAN says it. Senator GRAHAM feels strongly. Well, so do I.

I am going to see that there is some debate on this matter before we vote on it. I am not as young as I once was. I once spoke 14 hours—or something like 14 hours—on this floor. I once sat in that chair for 22 hours. I sat in the chair 22 hours, and I would still have been setting in it had Richard Nixon, the Vice President, not come to the Senate Chamber. He naturally had the right to the gavel. I had been a Senator a while, but I had not been a Senator a long time. But I knew who the President of the Senate was.

Incidentally, the President of the Senate can't address the Senate without unanimous consent of the Senate.

I noticed the Vice President the other day in New York. I saw what was going on on television. I saw that he spoke at that meeting in New York when the two Houses convened up there. Of course, when they first convened in New York, John Adams was Vice President, and he talked at length. He was quite a gregarious person in that respect, somewhat unlike the current Vice President. He is not gregarious, and neither am I, for that matter. But the Vice President doesn't speak these days—I have an audience of one here, but even one individual is of great importance. So I want my friend from Connecticut to hear what I had to say here, not that it will be read even as a footnote.

But at this time, the Vice President cannot address the Senate except by unanimous consent of the Senate. At the time of the beginning of the Republic, the Vice President was John Adams. And he was one who would speak at the drop of a hat. He spoke quite at length.

That is a little bit besides the point here, but I just have to say that I cannot—I suppose the Senator will win over my objection because not many people here seem to be paying much attention to what is being said at the moment. I think they take for granted it is a bill like other bills that come here that have come through the committee, and: ''I am going to vote with my party,'' or ''I am going to vote against the party,'' or whatever.

But I have been trying to get their attention. And if it had not been for my objections, this bill would have probably been passed already. But some attention, at least, is being paid to it now. And I hope that more attention will be paid to it.

On the business of having the Director of Homeland Security confirmed, Senator STEVENS and I had our experience—and it was not a very happy experience—with this administration when it came to the hearings that both Senator STEVENS and I thought we ought to have on appropriations. That was the supplemental appropriations bill, I believe. That was in the very early part of this year. And at that point the memories of September 11 of last year were almost as vivid—in January and February of this year—as they were the day after the event.

But Senator STEVENS and I joined in asking Governor Ridge to come up before our Appropriations Committee and testify on the budget for homeland security. Oh, he didn't want to come up. He was just a staff person at the White House. I believe I saw the President, Mr. Bush, on television, on one occasion, saying: He doesn't have to go up there. He doesn't have to go. He's a staff person.

And so I said, at the time, probably in a low voice: Well, technically speaking, the President has a point. The person, Mr. Ridge, is on the President's staff.

So far so good. But Mr. Ridge is far different from the ordinary staff person. And he is far different from the ordinary adviser to the President. The President has lots of advisers. He has the Secretaries of all the Cabinets. They are his advisers. And a confirmed Director of the Office of Homeland Security can still be an adviser to the President. He still would be, and he certainly would carry more weight than he carries as an adviser incognito. Those are my words.

But keep in mind that this so-called staff person, this person on the President's staff, is running all over the country speaking to chambers of commerce, going down to Mexico and meeting with the authorities there, going up to Canada, meeting with the authorities there. Ordinary staff people do not do that. This is more than just an ordinary staff person. This is more than just an ordinary adviser to the President.

And he was quite willing to come up and ''brief'' Members of Congress. Well, that doesn't fill the bill as far as I am concerned. I am chairman of the Appropriations Committee. I don't know how long I will be chairman, but as long as I am chairman of the Appropriations Committee, that doesn't fill the bill.

We have briefings, if we want them. But when we want to spread the Record for the American people to see, and for the American people to hear what is said by witnesses and by Senators who are asking questions, it should be done in formal hearings—hearings, not briefings behind closed doors.

I think there was some offer, even, to have a briefing with the doors open, but that still does not—still does not—meet the bill. Here is a committee of the Congress, the Appropriations Committee, created in 1867, doing its work, doing its duty, as we have always done it. When we have had Republican chairmen of the committee and when we have had Democratic chairmen of the committee, the committee has always had hearings. And they have been public hearings.

If we want closed hearings, we can vote to have a closed hearing. And then we might vote to have the Record cleaned up a little bit and made public. But ordinarily when we are hearing testimony on the budget, the Federal budget—the people's money, and the way the taxpayers' money is to be spent—the taxpayers are entitled to hear that. They are entitled to hear what the administration person says.

What was it that had to be secret? There was nothing. There was nothing about the testimony that he would give on these budget matters, on the appropriations for the next year—nothing—that it needed to be secret.

If we had had briefings, they would not have been kept secret. Ten minutes

later, those who would be in the briefings would go out and tell what was said because it was not classified. That was a sham. That was a charade on the part of the administration to try to make it appear that the administration was trying to be reasonable. Yes, they would let Mr. Ridge come up and brief Members. Why, my foot. Have him come up and brief Members of the Congress? Why, that is laughable.

When I first came to this Congress, John Taber of New York was chairman of the House Appropriations Committee. Would John Taber have agreed to have an administration person in the position that Tom Ridge is in—I am talking about John Taber, the Republican chairman of the House Appropriations Committee—would John Taber have agreed to have the administration witness come up and just give the Appropriations Committee a briefing? Heavens, no.

And so I feel the same way about it. Why should the Appropriations Committee of the Senate, after 135 years—after 135 years—through all administrations, Republican and Democrat—settle for having a briefing, letting the administration's point man on homeland security just come up and give a briefing? Why, the American people are entitled to more than that. The American people are entitled to more than that. That is trivializing the appropriations process. No, I would not agree to that.

That is what we are about to do here. We are about to say, yes, we will have a Secretary of the Department. I am for a Department of Homeland Security. And in my amendment, I certainly subscribe to Senator LIEBERMAN's committee proposal in having a Department, having a Secretary of the Department. I go along with that. Yes, let's have a Secretary. But in my amendment, I am still proceeding under the understanding that the Director of Homeland Security within the White House will also be confirmed.

In an appropriations bill which Senator STEVENS and I brought to the floor several months ago, we had language requiring the confirmation of the Director of Homeland Security. It was in the appropriations bill. We tried and we tried—Senator STEVENS and I tried more than once—to have the Director of Homeland Security come before the Appropriations Committee in the Senate and testify.

I assured those from the administration who talked with me about that, we were not interested in knowing anything about Mr. Ridge's secret conversations or private conversations with the President; we were not interested in any of that stuff. We are not interested in that Dick Tracy stuff. We only want to know the facts concerning the appropriations. We are not going to ask him questions like that. It is not going to be classified.

If Mr. Ridge wants the committee to hear him in secret, we will vote on that in the committee. And if the committee wants to close the door for an hour to hear what he has to say that is so secretive and so demands secrecy, we will vote on that. But we are not interested in embarrassing Mr. Ridge. We are not interested in embarrassing Mr. Bush. We only want the facts concerning the moneys that are going to be needed for homeland security.

No, they wouldn't let him come up. The administration had its feet in concrete and was determined not to let Mr. Ridge come up and testify before the Senate Appropriations Committee.

The President said he was going to change the tone in Washington. Well, as far as I was concerned, that was not changing the tone in the right direction. That was a sour note, and I am sorry the administration ever took that position. But here we are today and the administration still doesn't want it. Why?

Why did they have their feet in concrete a few months ago with respect to Governor Ridge? We could have gotten off on a much better footing if Mr. Bush had said: Go on up there and answer their questions. If they are asking questions on dollars and cents, the taxpayers' money, the appropriations needs, go on up there and answer those questions.

It would have struck a much sweeter note. But it kind of, in a way, poisoned the well. So that wasn't changing the tone for the better. That made it worse. And to this day, the administration doesn't want that position to be one that requires confirmation by the Senate.

Here we are, the loyal opposition when it comes to this bill, I guess, saying: We think that position ought to be confirmed. If we are going to create it, it is going to be confirmed. That is the way the Senate ought to look at this.

If there were a Democrat in the White House, I would say the same thing. It should be the Senate's will.

Now, the President can veto the bill. He can do that if he wants. He can do that. I believe it is the seventh section of article I of the Constitution which lays out the veto power of the President—the seventh section, article I.

Mr. REID. Mr. President, I am wondering if I could ask a question without the Senator losing his right to the floor.

Mr. BYRD. Absolutely.

Mr. REID. Would the Senator consent to my suggesting the absence of a quorum, with the order being that as soon as the quorum is called off, which would be very quickly—I want to visit with the Senator and the managers of the bill—the Senator from Virginia would retain the floor?

Mr. BYRD. I don't know about the Senator from Virginia.

Mr. REID. I am sorry, West Virginia.

Mr. BYRD. Yes, that is perfectly OK.

Mr. REID. I ask unanimous consent that when the quorum call I will shortly suggest is called off, the Senator from West Virginia have the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). 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. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, time being of the essence and realizing Senators want to get out of here and go home and how badly they want to get rid of the pending amendment, I will try to move on a little faster. My thanks to the pages for brining me a lectern.

Mr. President, I have heard the concerns of some of my colleagues about establishing a statutory office within the Executive Office of the President with a Director confirmed by the Senate. I have heard the arguments that Congress would be intruding upon the President's right to receive confidential advice and it would tie his hands with regard to the internal management of the White House.

These arguments misrepresent the realities of coordinating the executive branch and the management challenges it will involve, even after this new Department is up and running.

The point has been made many times during the crafting of this legislation that the functions involved in homeland security are scattered throughout the Federal Government. That is an important point. Let me state it again: The point has been made many times during the crafting of this bill that the functions involved in homeland security are scattered throughout the Federal Government. That is not like the State Department. It is certainly not like the Defense Department.

We are talking about a Department with functions scattered throughout the Federal Government, the functions involved in homeland security. That does not stop just at the water's edge. It goes on to the other side of the river. Many of those functions will not be transferred into the Department by this legislation.

The legislation before the Senate today and which the Senate will vote on—I suppose, eventually, if this legislation is passed—creates a Department of Homeland Security. I am for creating a Department of Homeland Security, but the bill creating a Department of Homeland Security is not the end. That is not the alpha and the omega. That is not the end-all. We really will not have done our work. We will have only begun.

Many of those functions, I say again, will not be transferred into the Department by this legislation. That is why I say we ought to stop, look, and listen

to what we are doing. The administration would like Congress to pass just a mere piece of paper, as it were, handing the Department of Homeland Security over to the administration, saying here, Mr. President, here it is. It is yours, lock, stock, and barrel. Take it. We are out of it. We will stand on the sidelines.

That is what we would do if we were to pass the legislation supported by the White House. If we were to pass the legislation that has been sent to us from the House, we would be doing just that. We would be passing a bill creating a Department of Homeland Security in the Lieberman bill, legislation that would say: A Department is created. Here it is, Mr. President. It is yours. Take it. Do what you want with it. You have the next 13 months in which to implement this legislation. It is yours.

I am not in favor of doing that. I am in favor of creating a Department of Homeland Security, but I am not in favor of Congress doing that and then walking away and saying: It is yours, Mr. President; for the next 13 months we will go to the sidelines. I am not in favor of that.

I don't know why some Senators seem not to be exercised about it, but my blood pressure has gone up a little bit about the very idea of handing this over to the President and to this administration and saying: Here it is. It is yours.

That legislation, when we send it to the President, will not be all; we will have created, under Mr. LIEBERMAN's bill, we will have created a Department, we will have created six directorates, we will have created the superstructure of a Deputy Secretary, six Under Secretaries, five Assistant Secretaries, and so on.

That is OK with me. Let's create that superstructure. That is fine. But when it comes to transferring the agencies into that Department, how many agencies are there? Some say 22. Some say 28. Some say 30. How many agencies are there? What agencies are they? By what criteria were those agencies selected? Who said that this agency ought to go in but not that one? And why should this agency go there and not that one? Why should that one go in? Why not this one?

So all that is going to be left up to the administration. We are going to leave it up to the administration as to the agencies that will go in, as to their functions, as to their objectives, as to their assignments. We are just going to turn it all over—lock, stock, and barrel—to the administration.

That is the way it would be under the administration plan. That is the way it would be under the House plan. That is the way it would be under the Lieberman plan. I am trying to improve the Lieberman bill. I am saying, OK, let's do the superstructure. Let's have a Secretary. Let's have a Department of Homeland Security. Let's have a Secretary. Let's have a Deputy Secretary. Let's have six directorates, as Mr. LIEBERMAN proposes. Let's have five Assistant Secretaries. I am in favor of that. That is all in title I.

But I am saying, whoa, whoa, whoa, whoa. Let's not go too fast now. Let's create this over a 13-month period. Let's have the work done under a 13-month period, as the Lieberman bill would do. Let's create all this. Let's create the superstructure. Let's have it completed in 13 months, as Mr. LIEBERMAN would do.

He would have the Department and the superstructure and the agencies, their functions, and everything within 13 months, beginning with 30 days after the bill is enacted into law. Then there would be 12 months in what is called a transition period. Mr. LIEBERMAN would have that. I would have that, too. But I would say, let's wait a little bit. Let's slow down a little bit. Let's not just turn this over to the administration and let them have it and we walk away.

When I say ''we,'' I mean the Congress, the people's representatives. I am saying Congress should stay front and center in the mix. Let's have, say, one of the directorates go forward beginning on February 3. There are six directorates. One is in title XI. I don't touch title XI. That deals with immigration. I don't touch that, certainly not at this point.

But for the other directorates, I would say, OK, on February 3 we will create one directorate and, Mr. Secretary, you send up to the Congress your proposal as to how we flesh out that directorate, as to what agencies go into that directorate—what agencies. Of course, that directorate is going to deal with border and transportation security.

Mr. LIEBERMAN and his committee and Mr. THOMPSON have created six directorates. One of them is Border and Transportation Security. My amendment would say, OK, let's take border and transportation security in that first directorate, and, Mr. Secretary, you send up your proposals for transferring agencies into that directorate to make it work. You have 120 days to do that—that is 4 months. That is February 3 that we start, because that is the day the President sends up his budget.

Then we say, 120 days later—4 months later—Mr. Secretary of the Department of Homeland Security, you send up your proposals for the next two directorates. The next two directorates are the Directorate of Intelligence and the Directorate of Critical Infrastructure—the Directorate of Intelligence and the Directorate of Critical Infrastructure, those two directorates that are created by Mr. LIEBERMAN's bill. See, I am with Mr. LIEBERMAN on that.

But I am saying: Wait just a little bit. Let's hold our hands on the bridle here. Let's not let this horse run away with this wagon. Let's hold up here. You send up your proposal, Mr. Secretary. I assume that might be Mr. Ridge or somebody else, I don't know who; it is the Secretary we are talking about. Yes, you send up your proposals 120 days after February 3 while the fleshing out of the Border and Transportation Directorate is going forward. Then, 120 days later, we say to the Secretary: Send up your proposals for these next two directorates, the Directorate of Intelligence and the Directorate of Critical Infrastructure.

All right. The Secretary, then, will send up his proposals for those two directorates. And as far as time is concerned, 120 day later, then—that would be June 3—120 days later would be something like October 1. All right. Let's have the Secretary send up his proposals for the fourth and fifth directorates.

Here they are, the Directorate of Emergency Preparedness and the Directorate of Science and Technology. I did not create these directorates; these directorates are to be created under Mr. LIEBERMAN's bill, under his substitute for the House bill. I am taking his words for gospel, and I am saying: OK, let's go along, let's have those directorates. But I am saying, February 3 we will have the proposal for the first directorate; June 3, let's have the proposals from the Secretary of Homeland Security for the next two directorates; then, on October 1, we say to the Secretary, now send up your recommendations to Congress concerning the last two directorates in title I: that is, the Directorate of Emergency Preparedness and the Directorate of Science and Technology.

So, there you are, we do it in a staged fashion. One directorate; 4 months later, two more directorates; 4 months later, two more directorates. By the end of that next 4 months, the 13 months would be up, so we will be within the same total timeframe as is envisioned by Mr. LIEBERMAN's committee. It envisions all this being done within 13 months—13 months following the passage of the Act.

We are saying the same thing, but we are saying don't do it all at once, and we are not going to give you authority, Mr. President, to do it all at once. We are saying do it, some here, some there, and some there, and let Congress be in on all this all the time—all the way.

How does that come about? All right, each set of proposals from the Secretary of Homeland Security will come to the Congress, and they will go to the committee, the Lieberman committee, and its counterpart in the other body. So both the House and Senate will be working on these sets of directorates in stages. Congress will be front and center. Congress isn't going to hand this thing over and then abdicate its responsibility and walk away and stand over here on the sidelines. Congress is going to stay involved. That is what my amendment is about. Let's keep Congress involved.

What happens then? All right, let's take the first directorate. That is Border Transportation. The Secretary

sends up his proposals to Congress. The proposals, as far as the Senate is concerned, go right straight to the Lieberman committee. Mr. LIEBERMAN and Mr. THOMPSON stay right front and center. They take these proposals in their committee; they amend them, they adopt them, or whatever. Whatever that committee wishes to make of the proposals that are sent to it by the Homeland Security Director, that committee reports that out as a bill. It comes to the Senate.

Oh, that is going to delay. Oh, my goodness, you say, that committee is going to report out another bill and the Senate is going to have to work on it?

Yes, that is true. But we can prepare expedited procedures. So I say let's prepare expedited procedures. If we do it in that fashion, we can prepare expedited procedures where the bill is not delayed, where it is not filibustered—it can't be filibustered under expedited procedures—and the Senate will take that and, under expedited procedures, will consider it. It is not going to be a—what is that infernal thing called?—fast track. That is right, fast track. Under fast track, the Senate doesn't get a chance to amend, but under these expedited procedures I am thinking about, the Senate will be able to work its will and amend the bill that is reported out by Mr. LIEBERMAN and by his committee's counterpart on the other side, in the House of Representatives.

That committee would report the bill out to the Senate, the majority leader would call up the bill, and it would be acted upon under expedited procedures and disposed of.

Four months later, when the next item came up here, the Directorate of Intelligence and the Directorate of Critical Infrastructure, the same thing, same procedure would obtain. The Secretary of Homeland Security would send his proposals to the Congress.

The reason I don't say the President is that if I did, I would make my amendment fall, if cloture were to be invoked on my amendment. If cloture were to be invoked, it would fall because it would not be germane. I have tried to construct this amendment so it would stand the test of germaneness in the event cloture were invoked on this amendment.

So instead of the President sending it up, it would be his man—it has to be his man, the Secretary of the Department of Homeland Security. The Secretary would send the proposals to the committee, to Mr. LIEBERMAN's committee. Mr. LIEBERMAN's committee, under expedited procedures, would go over the recommendations from the Secretary and send them, in amended form perhaps, to the Senate floor to be taken up here and passed.

So the same thing, the same procedure, would obtain in each instance where a directorate or directorates were being fleshed out by agencies.

Are we talking about 22 agencies here? No. Twenty-six agencies? No. Twenty-eight agencies? No. Are we talking about 30 agencies? Maybe no, maybe yes. Who knows?

In any event, the concept is this:

That we avoid the chaos of just passing this bill today—say this is the bill before the Senate today, and it is passed by the House and the Senate and sent to the President. We avoid the chaos that will prevail throughout the affected agencies of Government if this bill is passed and sent to the President because it is all done at once. We hand it over to the President lock, stock, and barrel. We walk away. And the President may take 6 months or he may take 8 months or he may take 13 months before he sends up all of the recommendations dealing with 6 directorates and 22 agencies—or 28. He may take all.

Under my amendment, we say no. Let us just take some at a time. Let us see how it works. Let us create that first directorate. Let us have the recommendation of the Secretary of the Department. Let us have his recommendations. Let the Senate, Mr. LIEBERMAN, and the committee look at it. His committee looks at it and reports the bill to the floor. Let us have the Senate look at it, and the same thing in the House but all under expedited procedures.

We do some here, do some there, and do some later on. We stage it. We phase it in. We don't just hand it over lock, stock, and barrel, and say: Here it is. It is yours.

We avoid the chaos of doing it that way. Let us do it in an orderly way. Let us have an orderly process so we really do not do damage to the proposal by Mr. LIEBERMAN. As a matter of fact, in my way of looking at it, we don't vote. My amendment will say we will create the Department just as Mr. LIEBERMAN creates the Department. We will create six directorates just as Mr. LIEBERMAN creates six directorates. We will have a Secretary and a Deputy Secretary, and we will have seven other Secretaries, and five Assistant Secretaries just as Mr. LIEBERMAN has the same number.

We are with you, Committee, Mr. LIEBERMAN's committee. We are with you. But instead of just passing this bill and wiping our hands and walking away, saying, I shall have no more to do with this, it is all yours, Mr. President, we are going to say: Here is the concept. Your Secretary will send up recommendations in intervals. There will be some of it at a time. We will do the first directorate. While that is going through the mill and during the 4 months when those agencies are being moved in, we are going to be taking a look at the next two directorates. But we will have in mind the flaws and the warts that we found in the first transactions. We will have had an opportunity to try. Let us see how it works. If there are flaws, if there are mistakes, we can correct them as we go along, and the next two directorates will not make those same mistakes.

When we set up the next phase, the final two directorates we will have benefited by whatever mistakes or whatever shortcomings may have surfaced during the creation of the preceding directorates.

It seems to me this is much more logical. It is an orderly process. It keeps Congress—the elected representatives of the people—in the process. And it keeps Mr. LIEBERMAN's committee—which is the committee that has jurisdiction over the subject matter—front and center.

Why not do it that way? Why not do it in an orderly way rather than just turning the whole thing over all at once and just washing our hands of it, and saying, that is it, it is up to somebody else?

That is not the way to do it. I think the concept is one that is unassailable. That is the way it would work under my amendment.

We think we are all in agreement. We are talking about at least two dozen agencies and 170,000 Federal employees. That is a big shakeup in our Government. There is virtually little debate going on here. There was a big rush to get this through in a hurry, pass it by September 11, or pass it before we go out for the August recess.

Norman Ornstein wrote an article in the Washington Post some several Sundays ago in which he pointed out the chaos. He referred to the chaos that will occur in this Government of ours if we go down the road meekly like lambs to the slaughter and pass this as the administration conceived it in the darkness of midnight in the subterranean caves of the White House; just go along like that with all of these agencies in turmoil, and we transfer 170,000 Federal workers.

Here they are—all moving their desks up Pennsylvania Avenue, and they are having to move the telephones and get new telephone numbers. They are having to move their computers, and they are having to do all this. And the people who work in those agencies are going to be shifted to another building with a new mailing address. All of that is going on at the same time. All of these agencies with 170,000 Federal employees all at once—all is going on in the 13-month period. They are going to be working in a different culture, in a different kind of atmosphere with different associations with different assignments than what they have been accustomed to—all of this at once.

What pandemonium will have taken over Pennsylvania Avenue. In ''Paradise Lost,'' Milton wrote about the fall of some of the angels from heaven. He wrote about the rebellion against the Creator by these angels and how they conspired to take over. And they fell. They were run out of heaven. Satan and his angels of like mind fell with them. They fell like Lucifer from heaven, and they fell upon the boiling lake. Lucifer sat and built himself a palace there. That palace was called Pandemonium.

Do you remember that—those of you who have read Milton's ''Paradise Lost''? He created a palace called Pandemonium.

That is exactly what will happen—pandemonium.

Go back and read Norman Ornstein. By the way, go back and read Milton's ''Paradise Lost.'' But also go back and read Norman Ornstein's article in the Washington Post of some several weeks go. I will get it. We are going to be debating this beyond today. We certainly won't pass this bill today. I think we are sure of that.

So you have an opportunity to go back and read Norman Ornstein's very thoughtful and thought-provoking article about the pandemonium that will reign on Pennsylvania Avenue. He didn't put it in those exact words, but that is what you will be reading about—the pandemonium that will reign and the chaos that will reign when all of these angels—22, 30 of them—so many that nobody knows exactly how many agencies—but 170,000 employees have to rip up their telephones and their computers and carry them off and up and down the avenue. What chaos that will be. Who is going to be minding the store when all of this chaotic exercise is being carried out?

Who is going to be minding the store? Who will be watching the terrorists? What will happen to those people right now who are in the agencies of this Government right today? At 5:30, I suppose most of them are not still around; but certainly a lot of them are around, and will be around until midnight and after midnight. They will be out on the borders, securing the borders. They will be out there at the airports. They will be at the ports of entry to this country. They will be all along the border between Canada and the United States and the southern border between Mexico and the United States. They will be out there every hour of the 24 hours. They are out there right now, and they will be there tonight when, Mr. President, you and I are sleeping. They are out there right now.

But will these people be at their posts of duty when all of this chaos reigns, when we are going through all this big uprooting of the Government here in Washington, the uprooting of men and women who are at their jobs, at their desks, at their telephones today and every day?

They are at their desks securing our country, protecting our country, protecting you and me, and my grandchildren and yours. What will happen when all of this chaos reigns? These people will not know—''Let's see, where am I supposed to go? What room am I in? What is the number and the place I am supposed to go in this new Government?''

They will be saying: ''Where is my computer? Where is my laptop? Where is it? And what is my new telephone number? And, by the way, what is the name of my agency here? Who is in charge here?''

Imagine the chaos. But under my proposal, we will do this in an orderly fashion. We will do the same thing Mr. LIEBERMAN does. In the end, we come out with the same Department, come out with the same directorates, the same number of directorates, named exactly like his directorates. We come out with the same number of Under Secretaries and Assistant Secretaries, the same thing. And we will do all that up front, the superstructure.

But the rest of it, flushing out the directorates, determining what agencies go in—we want to know, Mr. Secretary, what are your recommendations with regard to the agencies that go in here.

We will be doing all that in an orderly way, 120 days at a time: February 3, the first directorate; June 3, the second and third directorates; October 1, the fourth and fifth directorates. We do not deal with the sixth one because that is in title II. My amendment only goes to title I because I did not want to go and get mixed up and have any problems with germaneness in the event that cloture is invoked on my amendment or on the bill. So that is it. Why the opposition to my amendment?

So with Congress dumping the job of dealing with over two dozen agencies and 170,000 employees into the lap of the Secretary, he will no doubt be too busy trying to get his own house in order to spend his time worrying about what the rest of the Federal Government is doing. The Secretary of Homeland Security will not be in a position to coordinate agencies outside of his Department, so who will do it? Who will be responsible for managing and overseeing homeland security functions and resources across the entire Federal Government?

That is not like Condoleezza Rice. That is not like the Secretary of State. That is not like the Department of State. Hear me now. That is not like the Secretary of State. They do not concern themselves with agencies all across the whole Federal Government. But this one will. This Homeland Security Department will be concerned with functions and resources that cut across the whole Federal Government.

Who will be able to dedicate the time necessary to follow up on the operations of so many agencies in so many different Departments?

This is a brandnew Department. Let me tell you, this is a brandnew, shiny toy, unlike the State Department, unlike Condoleezza Rice's Department. I say what I say with great respect to her. But you cannot equate Condoleezza Rice's position with the position of the Director of Homeland Security. Why, her Department was created more than 200 years ago. But not this Department.

This is a brandnew Department. It cuts across virtually all agencies of Government; something new. Then how could we equate the National Security Adviser and her position with this new Secretary, this new Director of Homeland Security, who will be in the White House, untouchable?

One of my favorite movies, in the old days, when we had black and white television—I can remember back in 1953, I believe it was, or 1954, when my wife and daughters went to one of the stores around here and bought a new television set. Yes, television had not been around long. It just came upon the scene in 1926. I did not have a television set in my house.

One evening, I went home from my daily work in the office of mine representing the old Sixth Congressional District in West Virginia, where the current Presiding Officer was born, the distinguished junior Senator from Delaware, who sits in the chair today and presides over this body with such dignity and poise. He was born in that old Sixth Congressional District. That was the district that I represented. Well, that was back in the years 1953, 1954, 1955, 1956, 1957, and 1958.

And one day, when I went home for supper—we called it supper over at our house. We are just country folks. I went home to supper. I had my supper. My wife and I and our two daughters walked into the living room and sat down. And she said: Do you see anything new? I looked around. She said: Do you see anything new in the living room today? I had not seen anything new, but as I looked around, there it was, a brand spanking new black and white television set—black and white.

Well, my favorite movies in those days were clean. And they were wholesome movies. There are a few of them left but not many in this day and age. We talk about other people being evil, about Saddam Hussein being evil; just take a look at the television programming in the evenings. I saw, on one of the evening shows—I turned the TV on the other night. I seldom turn it on, but you can't help but see some of them. And I saw some beautiful young women on there, and they were saying words that I wouldn't say, and I have said them all in my time. But I don't like that kind of language in the living rooms of the country.

How can we say somebody is evil? We need to take a look at our own self. I cannot look in the mirror and say I am not evil. Nor can any other man, truthfully. Because we have a little bit of Satan in us. We have a spark of the Divine in us. That is why there is an afterlife. And we will have to answer for what we have done in this life.

So there is that black and white television set over there. And I liked ''Gunsmoke.'' I kind of liked old Matt Dillon in those days. And I liked ''The Honeymooners,'' Jackie Gleason. And I liked the ''Untouchables'' in those days, Eliott Ness.

But here we have the untouchables at the White House. Don't touch them. Don't have them come up here. Don't have them come up. They are the untouchables. Don't have them come up before the committees.

This administration thinks we should not have someone of that stature, the stature of Tom Ridge, come up before a

committee of the Senate. Who will be responsible for managing and overseeing homeland security functions and resources across the entire Federal Government? Who will be able to dedicate the time necessary to followup on the operations of so many agencies in so many different Departments?

Now, I don't want Senators to go home yet. I have been trying to tell Senators that this is a very important step we are being asked to take, and we ought to be paying attention to it. I have been saying that to the administration. Don't push it too fast.

Let's don't be stampeded by this administration. The President is out there with his backdrops saying: Contact Congress. Tell them to pass my bill, pass this bill on homeland security.

Well, let's just slow down a little bit. So I say, I wouldn't go home quite yet if I were Senators because there might be a vote here yet, or there may not.

Who will have enough authority to twist the arms of bureaucrats when implementing homeland security policies in the field proves harder than dreaming them up in the basement of the White House?

Who will do all this? Tom Ridge, will he do it, the man who refused to testify before Congress when the Nation most needed to hear from him? No. He had time enough to run around all over the country and speak to chambers of commerce and this organization and that organization about his Homeland Security Department and to say awful nice things about what he was going to do and all of that. He had time to go to Canada. He had time to go to Mexico and talk to the heads of state in some of those areas. He had time to do that, but he didn't have time to come up here and talk with these peons who are sent here by the people out there on the prairies and on the plains and on the mountains and in the valleys and in the fields and in the mines and on the stormy deep. He didn't have time to talk with us.

I think he would have come, but the President wouldn't let him because of this misguided perception that, well, because Tom Ridge was an ''adviser'' to the President, he didn't have to go up there; because he is on the President's ''staff,'' he didn't have to go there.

This is a different kind of staff. This is a different kind of adviser. Here is a man who goes all over the country speaking about homeland security, about his plans, about what is going to be happening, what is going to be done, what are the concerns, what are the fears, what are the things we have to guard against. But don't go up there in that briar patch. Don't go up there to Congress. Don't go up there and talk to those people. They are the elected representatives of the people. Tom Ridge isn't elected by anybody.

But those people up there, those men and women up there in the Halls of Congress, they are elected, and they have to go back at times and answer to the electorate for what they have done or not done. They have to cast votes. They have to show down, and they have to go back home and explain the votes to the people. No, don't go up there to them.

And there is that fellow BYRD up there and that fellow STEVENS. One is a Democrat and the other one is a Republican. They want Tom Ridge to come up there. And those two guys—I will say ''guys'' because that is all right; that term is used a lot around here these days—those two Senators. The President could even say: I have a letter on my desk written to me by TED STEVENS and by Senator BYRD asking me for an appointment. They want to make their case about having Tom Ridge come up there.

But the President of the United States didn't show Senator STEVENS or me the courtesy of even writing a letter back to us or calling us on the telephone saying: I received your letter, Senators, but I am of a different opinion. This is why I don't want to send him up there.

No, the President didn't show us that courtesy. He had some underling—and I say that with great respect—a person who wrote the letter. I think there were one or two of them down there who wrote letters back to me and to Senator STEVENS saying: The President has received your letter and this is why it can't be done or won't be done.

Now, how do you like that? Here is the President pro tempore of the Senate, the senior Democrat in the Senate of the United States has written asking the President for an invitation, asking for an invitation to come to the White House to discuss having Mr. Ridge come up before the Senate Appropriations Committee when it holds important hearings. Is that changing the tone in Washington? Is that changing the tone in Washington?

Here is the ranking member on the Appropriations Committee, former chairman of the Appropriations Committee from the Republican side of the aisle, a man, who knows, who could be the next President pro tempore of the Senate, the man right here at this desk who sits in this chair on which I hold my hand at this moment. Here are two very senior Members. Not that all wisdom flows from the limbs and joints and brains of these two Senators, but they have been here a while. They are the chairman and ranking member of the Senate Appropriations Committee.

We wanted an opportunity. We had been turned down in our letters. We had been rejected. We asked for an invitation. We asked for the President to give us an appointment. Let us come down and explain our case for having Tom Ridge come down.

Did the President ever invite us down? No. No. Was that changing the tone in Washington? That didn't do any good. That didn't help at all.

Here we are with the same thing. Here we have this administration wanting to turn hands down on the idea of having the Homeland Security Director come up to the Hill and testify on his confirmation and have the Senate vote to confirm. Why not? Why not?

This Constitution that I hold in my hand tells me that the Senate may confirm or will confirm. Certain offices will be appointed by the President, by and with the consent of the Senate. And up until this point, I don't remember Presidents dictating to the Senate as to what offices the Senate may create and which will be confirmed and which will not. I don't remember that happening. This is a new leaf in my book of 50 years here in Congress, the very idea.

And now we want to say, OK, Mr. President, we will do it your way. We will yield on this. You can appoint your man. We won't require him to be confirmed.

So are we going to hand over this responsibility to Tom Ridge, to entrust him with these important duties that extend far beyond the White House gates, after he has already clearly demonstrated an unwillingness to cooperate with Congress on a matter that directly affects the hearts and lives of every one of our constituents?

That is how important it is. This is a matter that affects the hearts and lives of every one of our constituents. Senator THOMPSON says we should. He trusts the President to command the secret war on terror without input from Congress. I guess Senator THOMPSON—and I have great respect for him—feels confident that Tom Ridge has enough clout to do the job. But I am not sure that one man's clout will be enough. On my side of the aisle there are Senators who are willing to say the same thing.

Well, they say that vote has been decided earlier today. I don't believe that has been decided earlier today. The question we voted on earlier today went beyond that. John Dean, the former counsel to President Nixon, knows something about putting Executive power in the hands of White House advisers and beyond the reach of congressional oversight. This past April, Mr. John Dean wrote a column in which he expressed concerns about entrusting such responsibilities of coordinating homeland security to a White House aide with no statutory authority.

Where is the statutory authority for this White House aide? Oh, I know the President issued an Executive order, but where is the statutory authority for it? Somebody has to ask for money once in a while. Money doesn't grow on trees. They have to come here at some point. This old Appropriations Committee is a waterhole. Out there in the great forest are a lot of animals. They roam around out there, and when the night comes and the shadows and the curtains of night come, you will hear something rustling in the leaves and you will hear a limb crack and a twig break. By golly, there are animals out

in that forest. At some point, they all have to come to the waterholes, don't they? The birds, the bees, and the animals on four legs—don't they have to come to the waterhole at some point? Well, the Appropriations Committee is the waterhole. At some point, these people down at the other end of the avenue also have to come to the waterhole.

I know the President is Commander in Chief, whether he is a Democrat or a Republican. It is so stated by this Constitution, which I hold in my hand. But the Commander in Chief, the President, shall be the commander in chief of the Army and the Navy and the militia when called into service to the country. But suppose Congress doesn't provide an Army and Navy for the President to command? Yes, he is the Commander in Chief.

Charles I of England, in 1639, I believe, was the first to use that term, ''commander in chief.'' That goes back a long ways, to 1639.

But in 1649, Charles I lost his head. His head was severed from his body. That was Charles I of England. Some Senators may have forgotten it, but the Parliament and the King of England had a war. There was a war between the King and Parliament. Can you imagine a war in this country between the President of the United States and Congress? That is the way it was in England.

You can change history all you want and you can talk about political correctness all you want, but the people who wrote this Constitution were British subjects. Some had been born overseas. Alexander Hamilton, James Wilson, and several of them were first immigrant descendants. There was Franklin and there were others, and I believe James Morris may have been born in England. In any event, these were British subjects. Some were Irishmen, some were Scots, but they were British. You can say all you want, and political correctness is not going to change that. This Constitution was written by men—not women. In that day they did not have women elected as delegates to the convention, but there were the men, British subjects. They knew about the history of Englishmen. They knew about the struggles of Englishmen. They knew about the Magna Carta, which was wrung from a despot in 1215, along the banks of the Thames River. On June 15, 1215, they knew about that. They knew that the barons stood there with their swords in their scabbards. They knew that Englishmen, going back for many years under the Anglo Saxons, after William of Normandy came to England in 1066 and brought feudalism to England, they knew the Englishmen had fought and shed their blood for the concept that the people should be represented by elected representatives in the Commons. They knew—those men who shed their blood—the power of the purse would be vested in the Commons, in Parliament.

Englishmen fought for centuries in order to win that battle over the power of the purse. They knew that in 1688—let me go back to 1649 for just a minute. I was earlier talking about the war between King Charles I, who believed in the divine right of Kings, and his father, James I of Scotland, was also a devotee of the idea that the King was God's immediate representative on Earth. So they believed in what is called ''divine right of Kings.'' James I was a very strong devotee of that idea. His son, Charles I, was as much a devotee of that misguided idea—maybe more so—than James. But Charles I carried it a little bit too far. The High Court of Justice was created January 3, 1649; and on January 30—less than a month later—Charles I lost his head before perhaps 200,000 people.

What followed that, in quick measure, was the Commons outlawed the Lords. There would be no more King, no more House of Lords.

So our forefathers knew all about this. They knew how Englishmen had shed their blood to wrest from tyrannical monarchs the power of the purse because the power of the purse is the greatest raw power that there is in government.

Cicero, that great Roman orator said, ''There is no fortress so strong that money cannot take it.'' So there you have it. The Englishmen knew that. Our forebears knew that. So the men who wrote the Constitution knew that. And they knew that this right that elected representatives of the people have control over the public purse had been set as an example back in the British Isles from which they—most of them or their forebears—had lately come.

So there you have it. That is history. There is more to it than that, but that is just a little of it.

(Mr. DAYTON assumed the Chair.)

Mr. BYRD. Mr. President, going back to Mr. Dean's column—as I say, he wrote it back in April of this year—he expressed concerns about entrusting responsibilities, such as coordinating homeland security, to a White House aide with no statutory authority.

John Dean raised a number of important questions which I will now ask the Senate. I quote John Dean:

> Would the departments and agencies fall into line when a senior White House aide so directed them?

How about it? We are talking about just an aide. He has not been confirmed by the Senate. How about the Secretaries of the Departments who have been confirmed, who come before the Congress, who come before congressional committees and answer questions and give testimony and are witnesses? Would those senior White House aides fall into line when this upstart, who has not been confirmed by anybody, except the President appointed him to this position—he is a White House aide—are those Department heads going to stand and salute when Tom Ridge tells them to fall into line? How about that?

What authority does he have? Does he have authority over these people, these men and women who are in Cabinet positions, who have stood before the bar of the Senate and been confirmed to their positions?

> Would the Cabinet officers follow orders from anyone other than the President himself? Could a senior White House aide resolve long-time department rivalries?

How about that? We know there have always been Department rivalries going back to the early days of this Republic. Would this senior White House aide, who does not have to come before Congress and answer questions about his own budget, would these Department heads, these Cabinet officers who do come before the Congress and they have been confirmed by Congress—they come here about their budgets—would they be brought into line by this upstart, this fellow who is here?

I know he is here by the grace of the President, but could a senior White House aide resolve long-time Department rivalries such as those between the CIA and the FBI? We have heard about that, haven't we?

Can this White House aide crack the whip, and these heads of agencies, such as the CIA and FBI, will they jump to attention, salute, and say, yes, sir; yes, sir; no, sir; yes, sir? Could the senior White House aide resolve long-time Department rivalries like those between the CIA and the FBI, or Treasury and Justice, law enforcement responsibilities?

> Could this White House aide get the Border Patrol, the Immigration and Naturalization Service, and Customs operating like they all belong in the same Government?

What authority does he have? He is just the President's man; that is it. He does not have any statutory authority. He is not confirmed by the Senate. How would you feel, Mr. President, if you were a Cabinet officer in this administration, and you had someone who was not a Cabinet officer, who had not been confirmed by the Senate, a new man on the job, a new office on the street; it is a brandnew office. It is a new office, what will be a new Department. But this fellow down here who really runs things does not have to go up before Congress. Here I am, a poor old Cabinet officer, and I lie awake at night worrying about how I will answer these questions when I am called up before that committee tomorrow and all those klieg lights will be on me, and they will ask me questions about money, how I have been spending it all. Here I have to go up there tomorrow. This man does not have to go up. All he has to do is go up to the ''Commander in Chief.''

By the way, the Commander in Chief—let me read from this book so people will know this is bona fide. If I had to, I could say it from memory. Here is the Commander in Chief. He is not the Commander in Chief of industry.

> The President shall be Commander in Chief of the Army and Navy of the United States,

and of the Militia of the several States, when called into the actual Service of the United States. . . .

But he is not the Commander in Chief of industry. He is not the Commander in Chief of the Congress. But here I am, a Cabinet officer, and I have to go up there and listen to those people up there. I have to go up there and sit at a table, way past the lunch hour, and listen to those Senators, be criticized by them. And here is this man. He is not confirmed by anybody. He just stands at the Commander in Chief's desk and salutes and says: Yes, sir; no, sir; not my will but thine be done.

I do not believe a man or a woman who is thrust into that kind of a position is going to relish being in that position because he does not have any statutory authority behind him. It would seem to me a person in that position would want statutory authority behind him; get the statute behind him. He would want to be confirmed. Yes, he then has the authority, the authority of the legislative branch, as well as his own appointment by the Chief Executive, behind him.

The next question:

Could an aide, such as the homeland security director, get the Border Patrol, Immigration and Naturalization Service, and Customs operating like they all belong in the same Government?

I have been quoting Mr. John Dean.

Mr. President, Mr. Dean concluded that homeland security is too important an issue for a Nixon-style executive leadership.

Here is a man who was in the Nixon administration, the counsel to President Nixon, John Dean. Mr. Dean concluded that homeland security was too important an issue for a Nixon-style executive leadership and that congressional oversight and the collective wisdom of Congress are essential in dealing with a threat of such magnitude.

I agree. Why do we have to fuss and fume and fight over whether or not this person should be confirmed? The President ought to say: Okay, let's get on with it; let's confirm him. I will name the person, and, with the advice and consent of the Senate, he will serve.

What is wrong with that? That has been the case for over 200 years. Some Presidents have suffered defeat when it came to their nominees. I can think of John Tyler, especially when he was fuming and fussing around with the Whig leaders in the Congress. What is so bad about that? After all, I would welcome that. Let him be confirmed by the Senators. That will give him more authority. It makes him more bona fide in the eyes of the people. He would stand before the American people with more authority. What is so bad about that? That is not anything damaging to the President. Requiring a person to be confirmed is not demeaning to the President. So why should we Democrats be willing to roll over and play dead on it?

They say: Oh, they have the votes on the other side.

Well, that is all right. Let's have a vote at some point; let's not just say roll over and play dead. It is far more important for us to stand for what we can look back on 10 years from now and say we did the right thing, we were right, than just for a day to say, well, we will avoid this fight, they have the votes, and let's go on.

That is not enough. Let us make the case for confirmation, and if we go down to defeat, the record will be there. And later, when the pages of history are turned one by one and we can then look back on the mistakes that may have flowed from that very act of having an individual in that position, not confirmed by the Senate of the United States, we will know that we stood for the right; we stood for what was best for our children and grandchildren.

This job is too important to be left to Tom Ridge alone. I do not say that with any disrespect to Tom Ridge. I could not speak of him with disrespect if I wanted to. The man was a Governor; he was a Member of the House of Representatives in earlier days. He is a respectable man. So I do not speak of him as a person; I speak of him as an officer who will be in a key position for the first time in over 200 years, an untried position, an untried office, in times that are trying but not yet tried really. This job is too important.

So if you want to beat me, beat me. Go ahead. Roll over me. I will not get on your wagon. This is a principle, and I think a lot of people, if they listen to me and hear what is being said and if they will study this bill, sooner or later they are going to come around to my viewpoint. I think the American people, if they heard it, would say: Senator, you are right; this position is too important to be left to Tom Ridge alone, too important to be left to a President to appoint, and that ends it.

I know the President is elected, but an electoral college sends him here, an electoral college sends Vice President CHENEY here, but no electoral college sends me here. The Senator from the great State of Minnesota, who is now presiding—by the way, one of his ancestors was a signer of the Declaration of Independence. He signed from the State of New Jersey. His name was Jonathan Dayton, and Senator DAYTON of Minnesota today sits in the chair. So we were sent here by the people.

We cannot rely on a confidential adviser to the President to orchestrate Federal homeland security policy unilaterally and in secret. What is going on here? What is this all about? Why the stiff jaws down at the other end of the avenue against having this man come up and testify? He knows the answers. That is why Senator TED STEVENS and I wanted him up before the Appropriations Committee—because he knows the answers. He is the President's point man on homeland security. That is the way it will be.

I do not mean to drag over the old ashes all the time, but that is the same way it will be if the Congress puts its rubber stamp on this legislation and goes forward with the administration's desire of being able to appoint this adviser to the President in this very untried, really untested up until the last 8 or 10 or 12 months, position. That man has not been confirmed by the Senate. He has not answered questions for his confirmation, does not have to go up to the Senate and the House and answer questions before the Appropriations Committees. He does not have to answer questions from any other committees. He is the President's man.

Have you read about all the King's men? Well, this is not quite a monarchy yet, although I am afraid there are some Members of both Houses, I am sorry to say, who, by my perceptions at least, would be monarchists. They will do anything the President says should be done, and they will do it in the name of his being the Commander in Chief.

Well, the Commander in Chief of what? The Army and the Navy and the militia when it is called into service. But suppose Congress does not call the militia into service? That is done by statute. It has been on the statute books a long time. The Congress calls the Guard into service. It passes the laws. Who creates the Navy and the Army? Look in article I, section 8, and you will find out who. Congress shall have power. Who provides the money to keep these agencies running? Our English forbears said: We will appropriate money for an army, but just for a year at a time. In our Constitution, we took a leaflet out of our English forbears at the time and said 2 years at a time, not more than 2 years. This Constitution still governs. I have not heard much about it in recent days.

I listened last Sunday to all the talking heads and everybody on certain programs because I saw in the newspaper that some pretty important people were going to be on television. I saw that the Vice President was going to be on, Secretary of State Powell was going to be on, Secretary of Defense Rumsfeld was going to be on, and National Security Adviser Condoleezza Rice was going to be on. I thought I had better listen to all of these people. So I did. I listened to them. I listened to every one of them. Not once, and not once in all of the debate I have been hearing around here and downtown and at the U.N. and everywhere else, not once have I ever heard the Constitution of the United States mentioned. Now, it may have been on one of those Sunday programs. I may have missed it somehow, but not once did I hear the word ''Constitution'' mentioned.

These smart lawyers down at the White House—and they are smart; I studied law, never with any intention of being a lawyer. I probably wouldn't have been a good one anyhow. But in any event, these smart lawyers down at the White House say the President has legal authority to unilaterally deliver an unprovoked attack against

Iraq as a sovereign State. I have as much fear and as much concern and as much contempt for Saddam Hussein as does any other man or woman. But it takes more than just legal authority.

These smart lawyers can line up on either side. You can hire a good lawyer on either side. You can hire a good lawyer to take this side of the case over here or you can hire that same good lawyer for this side of the case. A smart lawyer can come in with an almost impenetrable case.

But that is not the point. The Constitution is there. The Constitution is there. I hold a copy of that Constitution in my hand. It is, other than the Bible, my guiding light, this Constitution. Constitutional scholars in this land agree with me. Just legal authority is not enough. It is the Constitution. It is there. It is always there morning, noon, afternoon, night. The Constitution is always there. But not once, not once was this Constitution mentioned on any of the networks that I listened to last Sunday in the discussions about a possible war into which this country was being—at least in some quarters—stampeded into. We were going to war. We were going to be in a war. Our collective minds at the head of Mount Olympus had been made up already. The President had the legal authority.

Legal authority, my foot. It is the Constitution we are talking about. The Constitution says the Congress shall have power to declare war. I know that only five wars have been declared, but that Constitution is still there. And there are at least six other wars to which statutes have been passed by Congress, dependent upon as authority. What has happened to us all when we just go forward blindly without looking to the left or the right, saying we will go to war. We will change this regime. We will do it, I will do it, or it will be done.

How about those 535 Members who sit up there on Jenkins Hill? How about them? They have certificates showing that they were duly elected by the people—not by an electoral college but they were sent here by the people. Are we going to disregard them? And these people who sit up here on Jenkins Hill ought to read this Constitution again. Many of them have, I am sure. But let us not disregard this Constitution.

The President has legal authority to do this and do that. When it comes to war, this Constitution says the Congress shall declare war. We can talk a long time about this subject, too, and probably will. As far as I am concerned, we will, if the Lord lets me live.

Legal authority: We have an organic law that says Congress shall declare war. I know the President has inherent authority and that it comes from this Constitution, too—inherent authority to act to repel a sudden attack upon this country or upon its military forces. He may not have time to talk with Congress. He may not have time to get a declaration of war from Congress. He may not have time to get an authorizing measure from Congress. He may have to act. In that case, this Constitution gives him that inherent authority.

We are talking about an unprovoked attack by this country, an unprovoked attack upon a sovereign state. It does not make any difference if we do not like the person who is the head of that State or who is running it or who is a dictator, of course. The fact we do not like him is not enough. Congress shall have the power to declare war. We are going to talk about that a while.

I noticed a column in one of the great newspapers this morning which virtually had our minds made up for us. We are just going to go. We are going to do this.

Incidentally, I will have more to say on that subject at another time.

This job we are talking about is too important to be left to Tom Ridge alone. It is too important to be left to Tom or Dick or Harry alone. We cannot rely on a confidential adviser to the President to orchestrate Federal homeland security policy unilaterally and in secret—in secret. This administration wants to act in secret too much. The Government's fight against terrorism is bigger than a Department of Homeland Security. Isn't it? They want to fight over this little fellow—he is not just a little fellow once he is down there behind that desk—but they want to wage a big fight against terrorism, and it is a fight that is bigger than the Department of Homeland Security and it is too big for Tom Ridge or any other Tom, Dick, or Harry.

He needs the authority of the legislative branch behind him. In accordance with the Constitution, the President shall appoint thus and so by and with the consent of the President.

His position ought to be made subject to the confirmation of the Senate.

My Appropriations Committee brought an appropriations bill to the floor. This bill was the fiscal year 2002 supplemental that was brought before the Senate in the early part of the year, sometime around June or July. In that bill, as reported by the Senate Appropriations Committee, made up of 29 Senators, 15 Democrats and 14 Republicans, that bill had a provision that provided that the Director of Homeland Security must be someone confirmed by the Senate of the United States. That was in the bill.

It was brought here before this body, and it passed the Senate by a huge margin. I think there were more than 70 votes cast for that appropriations bill. That provision was in it. Senators knew it was in it because we brought it up in the Appropriations Committee of the Senate. It was there. There was never any attempt to strike it. There was no attempt to amend it. In that provision all Senators knew, they had their eyes open, they didn't have blinders on, and it wasn't something done in secret. It was right there in the bill, and we had it in the Senate here, everybody knew about it, and not one, not a peep did we hear against that provision here in the Senate. It passed the Senate and went to conference.

Then the administration saw the handwriting on the wall. They must have been reading about Belshazzar in the Book of Daniel.

Belshazzar had a great party, a great dinner thrown. And he had his soothsayers and his lords and his highfalutin officers and all. Belshazzar, King. He was having all this mirth. He invited a thousand of his lords. This was a great function there on the banks of the Euphrates River.

All the mirth was going on. Everybody was laughing, drinking, toasting, feasting. And all at once, there, over near the candlestick, appeared a man's hand, and that man's hand wrote something on the wall near the candlestick. And Belshazzar, the great King, wondered what it was, and he became obsessed with fear, and his knees buckled, and his hand trembled, and he brought forth his magicians, his medicine men, and his soothsayers, and he asked them: What is that saying? What are those words over there?

And somebody said: Well, we can't answer this. We don't know what those words are. But there is a man, a young man, who can interpret these words for you, O King, and his name is Daniel. He is in prison. I believe he was still in prison. They said: This young man can interpret these words.

The King said: Bring him to me. And the King said to Daniel—I hope I am not getting two of my Biblical stories crossed up. It is late in the day. I hadn't counted on saying this. But I believe the King promised Daniel that he would have half the kingdom if he could interpret this dream. He would be clothed in the richest of garb and be made ruler of half the kingdom.

Anyhow, Daniel said: These are the words, O King:

MENE, MENE, TEKEL, UPHARSIN.

Meaning this:

Thou art weighed in the balances, and art found wanting.

Thy kingdom is divided, and given to the Medes and Persians.

That is not the entire interpretation, but that is most of it.

MENE, MENE, TEKEL, UPHARSIN. Thou art weighed in the balances and are found wanting. Thy kingdom is divided, and given to the Medes and Persians.

And that night, Belshazzar was slain and his kingdom was divided.

Why have I told this story? I told the story about Belshazzar, the handwriting on the wall. This administration saw the handwriting on the wall. Here was this appropriations bill coming right down the road like a Mack truck, and it had in it the language to the effect that the Director of Homeland Security would be appointed by the President with the advice and consent of the Senate.

The administration saw that coming, and it was coming like a Mack truck. So the administration, as it sometimes

does—and I don't blame it for doing it—decided it would try to get ahead of this wave that was coming. The administration, lo and behold, came up with this grand idea of having this homeland security agency, and this was all cooked up and hatched down at the White House, down there in the subterranean caverns.

I don't think it would matter if electricity were cut off. If there had been a big storm and all the electricity cut off, it wouldn't have mattered because they probably had lanterns, candles, down in those subterranean, dark caverns where shadows can be seen flitting around—shadows in the cave. That brings up another story, but I won't tell it right now.

In any event, here these people were, and they saw this Mack truck coming down the road, this bill that had been passed by the Senate, an appropriations bill saying that we are going to have the homeland security man answer to those Senators up there.

You see, we had invited him, TED STEVENS and I invited him time and time again. He wouldn't come. We had written to the President of the United States, thinking: Well, he will hear us, he will listen to us. He is a man who said he wanted to change the tone in Washington. He will hear us: Mr. President, please let us come down and visit with you, and let us make our case for the Director of Homeland Security coming before the Senate Appropriations Committee.

Not a word did the President say, by telephone or by pen—not one. No. The President was going to change the tone. But here he wouldn't let this man come up. Why not?

So here is this bill coming down here saying: Yes, he will come. He will have to be confirmed by the Senate or he won't be the man in that position.

So the administration got busy and said: OK, we will get ahead of that wave. And here came the President, come out with this and he unveiled this beautiful new toy. And, by the way, it just swept over the country, the media grabbed onto it, and here we are now. We have this bill up before the Senate.

So the administration saw the handwriting on the wall and got ahead of the truck.

But it is still the same question before the Senate. Are we going to have this important position be filled by someone who will come up before the Senate, the committees in the Senate and the committees of the House and answer questions about the budget? So let us see that he does that, and we will make sure of that by making him confirmable by the Senate.

Oh, no. Now, that is going too far, says the administration and some of my friends on this side of the aisle and on that side of the aisle. They are perfectly willing out here today to accede to that and not contest that any longer. After all, Condoleezza Rice doesn't come up there. She is the National Security Adviser. The Congress doesn't require her to come up. Why should they require Tom Ridge to come up?

What kind of an argument is that? Where would that get you in law school? Where would that get you in moot court? What kind of a lawyer is that? I would hate to have been that kind of a student down at American University and gone up before Dean Myers in moot court and said: Well, I will tell you now, Dean. Condoleezza Rice, the National Security Adviser, doesn't have to. Congress doesn't require her to come up there before them and be confirmed. So why would we say that the head of the Homeland Security Department has to come up there?

What an argument. What kind of lawyer would make that argument? Yet Senators are willing to roll over and play dead with that argument. They don't require Condoleezza Rice to come up?

Is that a case winner? My word, what kind of high-priced lawyer is that? Would that have won the case for William Jennings Bryan in Tennessee? That great lawyer, that great orator, is the man who argued the case in the John T. Scopes trial, and his opponent. That was a real case. I don't think they would have won the case just to say: Well, this fellow over here, say what you want to him about him. But over here, we don't require this person to go up there and be confirmed. So, let's get home early for supper. We don't want to argue about that. They have the votes. Let us just give it to them. They have the votes. Why not give it to them?

I am talking about William Jennings Bryan in the John T. Scopes trial. That is not quite enough of a case, I don't believe, to be persuasive. It might be persuasive among good lawyers, but it is not quite persuasive among Senators.

The Government's fight against terrorism is bigger than a Department of Homeland Security, and it is too big, I say to Tom Ridge, or Tom, Dick, and Harry—nothing derogatory about the person. Oh, no, you are not going to hang me with that. I don't mean that. But it is too important to the American people to have just an aide to the President doing it.

Only an office that can act with the authority of both the White House and the Congress can realistically guarantee that homeland security policy will be fully implemented in the farthest corners of the Federal Government.

That is a sound statement. It is based on specifics, and it is based on logic. It is based on common sense. I don't have much of it anymore. I get tired early. I am quite tired now. My voice is getting faint, and my hands tremble and my hair is white. But I still believe the people back in West Virginia sent me here to represent them to my best ability. I swore when I came here, before God and man, standing up before that desk there, that I would support and defend the Constitution against all enemies, foreign and domestic. I am not saying there are enemies in this body or in this country. No. I am not saying that at all. But there are some people who are willing to go the easy way and take the line of least resistance on that Constitution. Oh, that Constitution is an old piece of paper. Those men back there in 1787 didn't have any telephones. The telephone didn't come along until 1875. No. Those people back there at the time the Constitution was written didn't have the incandescent light. No. That just came along in 1878. No. Back in those days, they didn't have automobiles. They had horses and buggies. They pulled the shades and drew the blinds so they couldn't hear the wagons out there on the streets. The automobile didn't come along until 1887 or 1888. They couldn't tell what was going on outside the place. They did not have the cell phones. They didn't have radios. They didn't have television sets, and radios didn't come along until the turn of the century.

There was Marconi, and wireless telegraph didn't come along until 1848. The steam engine was invented back in 1869. That was just a few years before the convention met. You couldn't expect those people back then to write a constitution that would endure for the ages. You can't expect that.

The Constitution? What do you mean, Senator BYRD? The Constitution?

Well, the Constitution was written in 1787. There were not any women there. The youngest person there, I believe, was Johnathan Dayton. He may have been the youngest person there. Benjamin Franklin was 81.

They did not have television. Television didn't come along until 1926. We are the bright ones. We are the people who should have written the Constitution in our age. We have the radio, and all of these things.

I know that Isaiah, of course, prophesied that certain things would happen. Isaiah said: Make straight the desert highway for our God. Every valley shall be exalted, and every mountain and hill shall be laid low. The crooked shall be made straight, and the rough places low. The glory of the Lord shall be revealed, and all flesh shall see it together.

But Isaiah? That was a long time ago. Back in those days, how could he have foreseen? But he did.

Take these marvelous inventions I have been talking about—the telephone, the radio, television, the cable under the oceans, the jet-propelled plane, the automobile—they have exalted the valleys, have laid low the mountains and the hills, have made the rough places plain, have made a straight line in the desert.

Isaiah's predictions have come true. And the glory of the Lord has been preached in all corners of the Earth, on every continent and every corner of the globe. The glory of the Lord has been revealed.

Those people weren't old fogies. Isaiah knew what he was talking about. Here were the Kings with all of these marvelous inventions.

When Nathaniel Gorham and Rufus King and John Langdon and Roger Sherman and George Read and Benjamin Franklin and Robert Morris and Gouverneur Morris and Elbridge Gerry were up there working, they did not have all these wonderful inventions; and they met behind closed doors. They didn't let anybody know what was going on. And they wrote that little old book they called the Constitution of the United States.

By the way, this book contains both the Constitution and the Declaration of Independence. It certainly isn't very much, is it? These smart lawyers say that the President has legal authority. And these smart lawyers had to go through—what?—was it 4 years or 3 years or 2 years, or whatever, to get that law degree? I had to go 10 years to get mine. And I read far more books than this little book. It took a long time. I had to burn a lot of midnight oil to get my law degree.

Yes, these smart lawyers can say: Oh, the President has legal authority. But this is what counts in the final analysis, the Constitution.

Yes, I listened to all those programs last Sunday. There was the Vice President of the United States. There was Condoleezza Rice. There was the Secretary of Defense. There was the Secretary of State. And there were others there. And not one time did any one of them ever mention the Constitution of the United States.

They are all saying: The President has authority. Congress has already authorized them. It authorized them in the 1991 resolution. It authorized them in the resolution last year. And he also has the robes of Commander in Chief wrapped around him. Oh, he has all the authority he needs.

No, he doesn't. This says: Congress shall have the power to declare war. Now, you may argue all you want, but I took an oath. And I have taken it many times. I have stood at the desk up there, and I put my hand on the Holy Bible, the King James version, which was published in 1611. And I have sworn before God and man to support and defend this, the Constitution of the United States, against all enemies, foreign and domestic. Here it is in my hand.

Have we grown so far, have we grown so big, have we come so far, have we gained so much power, so much wisdom, so much judgment, so much authority, that we can just nonchalantly push aside this dear old book that holds the Constitution of the United States? No. I took that oath. It was a serious oath. Every Senator in this body has taken that oath. Every Senator in this body has taken that oath. It is not to be taken lightly.

Someday we will talk about the oath and how the ancient Romans revered their oath, the oath they took, the oaths. But we just lightly cast this Constitution aside: This is an old piece of paper. Ha, that thing was written in 1787, and it was ratified by the few States that made up this people, as we have it. It only needed to be ratified by nine States. That was long before our time. We are much smarter than they were then. We know more now than they knew then. We are experienced. We are living in the real world. The Constitution was for yesterday. The Constitution was for yesteryear. The Constitution was for the 18th century. It was all right, still, in the 19th century. And for the first half of the 20th century it was probably all right. But these are different times.

Is that what John Marshall said? Tell that to John Marshall. I will tell you, folks, the thing is much deeper than this. Senators have not seen, really, what events will flow—and I have not, either—from our creation of this Department. And I want to create a Department. But from an unconfirmed Director, a Director that is unconfirmed by the Senate, they will look back and say: ROBERT BYRD, for once, was right. And maybe just for once. Or some may be a little more lenient and liberal than that and say: Well, I have known a couple times he was right; but he was right. And those men who wrote the Constitution were right. They were writing a constitution that would protect the common people, the people of this country, against tyranny, against unlimited power. They were protecting the liberties of the people.

There was no Democratic Party, there was no Republican Party when those men, those 39 signers of the Constitution of the United States, sat down on September 17, 1787, and wrote their names on the dotted line.

Old Benjamin Franklin said: ''We shall all hang separately or we shall hang together.'' They pledged their fortunes, their lives—think of that—their sacred honor.

The men who signed this Declaration of Independence were committing treason—treason—when they signed that Declaration of Independence. They could have been taken to England, tried, and hanged, or gone to the guillotine, like Charles I. It may not have been a guillotine, but it was certainly an accurate axman.

But they wrote this Constitution to create limited government, divided government, with tensions separating the various Departments. Yes, they were written on parchment, these barriers to tyranny, to power. And there had to be jealousy among those three Departments. It was thought they would defend the prerogatives of that Department against the encroachments of another Department. That was the way it was meant to be.

And when I came here to this Senate, there were men and one woman, Margaret Chase Smith, who sat right over there, where my hand is pointing to that desk over there in the front row on the Republican side. Those men and one woman, what would they have said? Would they have said: ''Let's go home to supper early. Let's just give it to them. They have the votes''? No, not those Senators; not Styles Bridges; not Senator Hickenlooper; not Senator BENNETT of Utah; not Senator Javits of New York; not George Aiken of Vermont; not Mike Mansfield of Montana; not Richard B. Russell of Georgia who sat at this desk; not Willis Robertson of Virginia; not Harry Byrd, Sr., of Virginia; not Senator O'Mahoney of Wyoming; not Stuart Symington of Missouri; not John McClellan of Arkansas; not William Fulbright of Arkansas; not Everett Dirksen of Illinois, who wanted the marigold the national flower; not STROM THURMOND of South Carolina, who sat on this side of the aisle, my side; not Olin D. Johnston of South Carolina; not Samuel Ervin of North Carolina; not Norris Cotton of New Hampshire; no, not those men and that lady who wrote her declaration of conscience as she sat at that desk, Margaret Chase Smith.

Those Senators on both sides of the aisle would have had none of this. They wouldn't have stood still for that kind of halter to be placed over their heads, for that kind of noose to be placed around their necks. They would not have stood for that.

We have great Senators today. I have always thought, as I have looked back and I have thought about the Senators we have today, how intellectually advanced they are. They are really smart. And a lot of their hearts are in the right place. But something happened to the Senate. It is too partisan anymore. It is guided too much by partisan politics.

But back to the question at hand. There have been a lot of changes in the White House, too. I don't believe that Dwight D. Eisenhower would have wanted to see this. Dwight D. Eisenhower was a President who prayed himself. He prayed in his first inaugural address. The President of the United States, Dwight Eisenhower, spoke the prayer and asked for divine guidance.

George Washington, the greatest of all, he said, no, I can't do this. This is something that Congress will have to decide, when it came to using the military.

Well, those days are gone. I say again that only an office that has the authority of both the White House and the Congress can act in a way that will realistically guarantee that homeland security policy will be fully implemented in the farthest corners of the Federal Government. That man who sits down there in the White House, who will be the new Homeland Security Director, needs the authority of the Senate behind him. He needs the constitutional authority of the confirmation by the Senate behind him.

Then he can go out and speak to the American people with the knowledge that he has the authority—not just the

authority of someone who has been created by an Executive order but someone whose position has been created by the Congress of the United States, and he himself, as the person, has been confirmed by the Senate of the United States.

I should think that he would be viewed by the American people, if they stop and think, as having more real authority if he is confirmed by the Senate of the United States. I have a feeling that his colleagues would look upon him as somebody who is an equal over them. He had to go before the Senate and answer the questions of Senators and committees, and he had to be confirmed. He had to be reported favorably by the committee in the Senate, and he had to stand before the bar of judgment, as it were, and be confirmed by the votes of the Senators. Not only was he appointed by the top Executive order of the land, but he was confirmed by the top legislative authority in the land, the legislative branch, meaning the Senate in this instance, according to the Constitution.

By giving the new Director statutory authorities, statutory responsibilities, we will ensure that he will have independent authority to act from within the White House, without having to compete with other advisers to secure the President's support for his coordination efforts. If he is not required to be confirmed by the Senate, he will have to compete with other advisers who don't have to be confirmed by the Senate, other staff people who don't have to be confirmed by the Senate.

He will have to compete with many others who require confirmation. He will have to compete with them to secure the President's support for his coordination efforts because his coordination efforts, as they are carried out, are going to cut across a lot of lines of authority. They are going to cut across lines of authority that run between and among two or more agencies, many agencies of the Government.

He is going to have to cut through that redtape. He is going to have to cut through it. What authority does he have? He is the President's staff man. He is the President's adviser. Who is the President's adviser? Did he ever go before the people's elected representatives in the Senate and get their confirmation? No.

Well, some of his competition does have to go before those Senators, his competitors.

Its competitors will be other Department heads—men and women who have had to come before the Senate Committee to be confirmed by the whole Senate. He has to compete with them. But his confirmation would ensure that he would have independent authority to act from within the White House. He has the authority, the stamp of approval not just of the President but, more importantly, the stamp of approval of the people of the United States through their elected Representatives. In fact, we will not only allow the Director to act independently, we will require him to do so. How about that?

The Director will have to follow up on the implementation of homeland security strategy, because he will have to answer to Congress if he doesn't. Also, by requiring Senate confirmation of this new Director of the National Office for Combating Terrorism, Congress will ensure that its concerns over the implementation of homeland security strategy will not be subordinated to the political agenda of the White House. Even when the President's advisers want to conceal agency mismanagement or shift public focus toward a war with Iraq, Congress can make sure that the Director's job is getting done because Congress can ask him directly and say: All right, Mr. Director, we want to know about your stewardship.

We are all going to have to answer for our stewardship—we Senators, who are viewed with contempt by many of the people in the administration, who have to be confirmed by Senators. We Senators have to answer for our stewardship. I have answered for my stewardship many times over a political career of 56 years now, in all legislative branches of government, both at the State level in both houses, and in both Houses at the Federal level. I have had to answer for my stewardship. I have to go back every now and then and say: Here is my name. I want to put it up again. Here is my filing fee. I want to stand for office again. I have to answer for my stewardship, and so would the Director of Homeland Security have to answer to the people's Representatives for his stewardship in that office.

Oh, no, no, he is the President's staff man. He is the President's adviser. Well, he is an important adviser, and he certainly is an important staff man. He is above the grade level of ordinary staff people, ordinary advisers. He should be confirmed.

So we will not only allow the Director to act independently, we will require him to do so. The Director will have to follow up on the implementation of homeland security strategy because he will have to answer to Congress if he doesn't.

I have only read three and a half pages thus far. I am a slow reader. How did I ever get through that? Talk about poor readers, my goodness. I have only read three and a half pages, and I have been talking—how long have I been talking, may I ask the clerk through the Chair?

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator has been speaking for 2 hours 15 minutes.

Mr. BYRD. My lands, that is a lot of time. Was it 2 hours and a half?

The PRESIDING OFFICER. The Senator from West Virginia has been speaking for 2 hours 15 minutes.

Mr. BYRD. And I have just read three and a half pages. I am a slow reader. I had a feeling that Senators just wanted me to keep on. They don't want to come over and hear this. I am trying to get their attention. Three and a half pages in 2 hours 15 minutes.

Mr. President, while I am speaking, it reminds me of Cicero, who was asked the question: ''Which of Demosthenes' speeches do you like best?'' Cicero answered: ''The longest.'' That is how good Demosthenes was.

Mr. REID. Will the Senator yield for a question?

Mr. BYRD. Is it a question the Senator thinks I might be able to answer?

Mr. REID. Easy.

Mr. BYRD. Then, yes, always.

Mr. REID. Is the Senator aware he has spoken 2 hours 15 minutes just this last round? Prior to that, he spoke for an hour. So this is actually 3 hours 15 minutes, other than the short quorum call after which I requested that the Senator have the floor. So, actually, it has been closer to 3 hours 15 minutes. Is the Senator aware of that?

Mr. BYRD. I wasn't really aware of the passage of time. Along that line, may I say, let me see if I can quote a little verse by someone else:

The clock of life is wound but once,
And no man has the power to know just when the hand will strike, at late or early hour.
Now is all the time we have, so live, love, and work with a will.
Take no thought of tomorrow, for the clock may then be still.

Mr. REID. May the Senator ask another question?

Mr. BYRD. Yes.

Mr. REID. Is the Senator aware that the majority leader has authorized me to announce that there will be no more rollcall votes today?

Mr. BYRD. I am not aware of that. That might change my outlook.

Mr. REID. That is what I was thinking might be the case.

Mr. BYRD. That might send me home to my dear wife of 65 years and 3 months and 14 days.

Mr. REID. May I ask one other question. It would also send me home to my wife. We were married 43 years ago today, September 12. So it is my anniversary today. But I don't want the Senator to feel any compulsion that I should get home early.

Mr. BYRD. I really feel guilty in detaining the distinguished Senator, the very able Senator, my friend. He is one I have admired all the time I have known him. I am sorry I have detained him on his wedding anniversary. I wish the Senator would have let me know that a little earlier.

Mr. REID. If I may say one more thing. I was looking for an opportunity. In fact, I suggested it, but they said it would be very unsenatorial. I was considering waving a white flag because they surrendered some time ago and indicated that they had left. There was going to be a motion to table made when the Senator decided to sit down, but there was a decision made that maybe that might take a long time. So they decided to go home some time ago. I indicated it would be very

unsenatorial to wave a white flag in the Senate, so I thought this would be a better way of telling you there is going to be no motion to table made tonight.

Mr. BYRD. I see a more colorful hue as I look for it out here. My little dog's name is Trouble. My wife named the dog. Obviously, she was looking at me when she named the little dog Trouble. That little dog Trouble loves me, but he loves my wife more.

My wife is in the hospital right now. I should go over to visit her. I am a little too late already.

I am trying to remember what the great Englishman, Edmund Burke, said about the origin of the term ''whip.'' The ''whipper-in'' was the person who kept the hound from running away from the field in the fox chase.

The English had the whip in the 14th century, certainly in the 17th century, the 1600s. The whip at that time would send what they called a ''circular letter'' to the King's supporters, or if there was a whip in the opposition, he would send a circular letter to the opponents of the King and tell them to come in and meet in Parliament at a certain day and a certain time about a certain piece of business. That was the whip. That was the English whip. That is where the whip system started.

The House has a whip. The Senate has not had a whip as long as the other body has had a whip. The Senate has a great whip in the distinguished senior Senator from Nevada. I have been a whip, and before that I served under whips. I was a whip for 6 years, and I was a good whip. I stayed on the Senate floor all the time.

But I say right here and now, as far as I am concerned, Senator REID of Nevada is the best whip the Senate has ever had, notwithstanding even that I was a Senate whip. I served as whip when Mr. Mansfield was majority leader. I put everything I had into being a whip. I stood by the gate. If I had been told to guard that gate, I would have been at that gate alive or dead when Mr. Mansfield came back.

This Senator from Nevada, as far as I am concerned, is the best whip we have ever had. He is right here on this floor all the time, or within a voice from this floor. He works here on this floor. He is very loyal to his majority leader, and he is loyal to his duties, to his people back home. He tells me every now and then he has a delegation from Nevada that he has to go and see. But this whip is here at all times, and he is here to protect me. If I to leave the floor, he will protect me. I know he will. He is a good whip. He is a great whip.

I will take my hat off any day and say: Gunga Din, you are a better whip than I am. That is saying a lot. I don't say that often. I was a good whip, but the Senator is a better whip than I was because he probably is more loyal to his party than I was and more loyal to his majority leader than I was.

I stood on this floor offering an amendment during the Vietnam war to say the President of the United States—who happened to be Richard Nixon at the time—had a duty to do whatever it took. If it meant bombing the Vietcong across the lines in Cambodia, the President had a duty to do that to protect our American servicemen.

I offered that amendment, and my majority leader was opposed to it. I stood by it; I fought the fight and lost. Mr. Nixon called me on the telephone that same afternoon from Camp David. He said: You did a great thing down there. He called me Bob. My wife does not call me Bob. She is kind enough to call me Robert. He said: Bob, that's a great thing you did. In his words, he said: You did a statesmanlike job. You stood for what you believed in, and you offered an amendment on behalf of the servicemen, the men in the field. You stood by what you thought, and you even stood against your own party, the leadership.

That was all right, and that was well and good for me because I have my own views of what is required of me. But the distinguished Senator from Nevada, he is not disloyal to his leader, not to the people over here who elected him to his position in the Senate, nor to the people back in Nevada who sent him here. I salute him.

I will quietly fold my tent and fade away from the Chamber if he is about to tell me that there will not be any more votes and that tomorrow, when we come back, I may have the floor again.

Mr. REID. Will the Senator yield for a brief comment in response to the Senator?

Mr. BYRD. Yes.

Mr. REID. The plan tomorrow is to come in and we will be on the Interior appropriations bill until noon. Senator DASCHLE is planning on having a vote on a judge around 10 o'clock, and that will be by voice. Senator DODD, and whoever is opposing his legislation, will debate for a half hour, and that vote will occur at 10:15 tomorrow morning. Tomorrow morning, we will be on the Interior appropriations bill.

I, frankly, do not think we can work anything out on forest fire suppression. I will try, but I do not think it can be done. So the leader has to make a decision as to whether he is going to file cloture on the Craig amendment. We may have to do that tomorrow.

At noon, we will go back to this bill. I have been told that the Senators who offered this amendment, Senators GRAHAM and LIEBERMAN, are considering withdrawing the amendment, which would leave the amendment pending being the Thompson amendment which, of course, will be subject to another amendment.

That will be the status at noon tomorrow, if the leader decided to work on this bill Friday afternoon. As the distinguished Senator from West Virginia knows, Friday afternoons are really tough to get things done around here. We are going to have votes tomorrow, one on the judge and one on the Dodd amendment.

Before signing off, I say to my friend, the Senator's comments did not go unnoticed. I am flattered and a little embarrassed, but I do appreciate very much what the Senator said. As I have said publicly and privately, every day that I have been able to serve in the Congress and the Senate with the distinguished Senator from West Virginia is a day I consider to be very lucky. To think someone from where I came could be on the same floor as a Senator speaking with the great ROBERT BYRD is difficult for me to imagine.

I understand the importance of the job I have. I appreciate very much the statements of the Senator. But that is our plan for tomorrow.

Mr. BYRD. I thank the distinguished Democratic whip. I am very willing to take my tent and fold it silently and slip away.

I ask unanimous consent that when the Senate next takes up homeland security——

Mr. REID. Which will be tomorrow at noon or thereabouts.

Mr. BYRD.—I be recognized at that time.

Mr. REID. I am the only one in the Chamber and I certainly would not object to that. I do not think anyone from the minority is present, and they do not have any basis for objecting anyway. The Senator has the floor now.

We would attempt tomorrow morning—of course, the Senator is the manager of the other bill. We would attempt during that period of time to see what we can work out on this homeland security bill so we can attempt to move forward in some way, because certainly what we do not want, at least tomorrow, is to be in a position where we have to file cloture. I do not think that is necessary.

We will be happy to meet with the Senator tomorrow.

I ask unanimous consent that when the Senate next goes to S. 5005, the first recognition be given to the Senator from West Virginia.

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

Mr. BYRD. Mr. President, I ask unanimous consent that the speech I have made not be counted as a speech under the two-speech rule.

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

Mr. BYRD. May I say to the distinguished Senator, I am quite happy to go home. These old legs of mine have been carrying me around now for a long time. I always had heard that when one gets to be up in years a little bit, the feet and the legs first start to trouble one. So I can bear witness to that.

In case there are any Senators who think the distinguished majority whip did wrongly in saying we could go home if the Senator would take a seat, let me say I have only spoken 2 hours and 15 minutes—is that accurate?

Mr. REID. Three hours and 15 minutes. Now it is about 3 ½ hours.

Mr. BYRD. And I am only on page 3 of page 4. Well, that is just a start. As John Paul Jones said, ''We have just begun to fight.''

I have in my pocket the Constitution of the United States and the Declaration of Independence. Once I finished page 4 tonight, I intended to start reading the Declaration of Independence and the Constitution of the United States to follow.

Mr. REID. I say to my friend, I do not think he would have to read it, would he?

Mr. BYRD. I think reading it makes it better.

Mr. REID. Does not the Senator have that memorized anyway?

Mr. BYRD. I know something about the Constitution, but I will save that for another day. I have a number of poems which I would be glad to quote even though these old legs are getting tired. Shall I quote one?

Mr. REID. I personally would like to hear a poem.

Mr. BYRD. Mr. President, I never was a show-off so I am not going to quote any poetry tonight. That would be showing off. I just wanted the Senator to know I could quote some poems. I can read the Constitution and comment on it as I go along. I can read the Declaration of Independence. I can read the Bible. I can read Milton's ''Paradise Lost.'' I could read Carlyle's ''History of the French Revolution.'' I could even read Daniel Defoe's ''Robinson Caruso.'' Just because my legs are hurting and I am growing quite frail and my voice is a little weak, I am not quite ready to say, well, they have the votes and let us quit.

I thank the distinguished Democratic whip. The Senator knows I am getting tired, which is the reason I am not saying things just right.

Let me see if there is anything else for which I need consent. I believe not, but it is my understanding that I will be recognized when the Senate next returns to the homeland security legislation. I thank the Chair and I thank the whip.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I do not think a good steward would want to leave his job unfinished quite so abruptly. I do have a half page of my prepared remarks to read. I do not like to put items in the RECORD, so, if I may, I ask unanimous consent that again this not be counted as a second speech.

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

Mr. BYRD. By requiring Senate confirmation of this new Director of the National Office for Combating Terrorism, Congress will ensure that its concerns over the implementation of homeland security strategy will not be subordinated to the political agenda of the White House.

Remember, we are not just talking about a Director of Homeland Security under the Bush administration. We are not just talking about a Director of Homeland Security under a Republican administration. There can very well come a time there will be a Director of Homeland Security under a Democratic administration, and I hope the Senators will see the wisdom in looking forward to a time when the worm will turn, the wheel will turn, and there will be a Democrat in the White House.

I am thinking of Senate confirmation as something that will be important under a Democratic administration as well as under a Republican administration, as important to the people of this country under a Democratic President as under a Republican President, under Mr. Bush. For the moment, it is a Republican President. A thousand years is but a day in God's reach. And there will probably be a Department of Homeland Security after my life on this globe has run its span.

The war against terrorism may not end soon. It may go on and on. Who knows? The President himself has said it will not be quick, it will not be easy, and it will not be short. Therefore, it is not difficult to imagine that there will come a day when there will be a Democratic President in the White House, and I say that my Republicans friends, when that time comes, will be glad if we in our day have required the Director of Homeland Security to be confirmed by the Senate.

So we are not legislating for a day, a week, or the remaining 2 years of this Republican administration. We are debating and acting for a long time.

Once this is on the statute books, it is not easy to change it because a President can veto a change. If Congress sees the unwisdom of its ways today and seeks to change the statute books, maybe a President in the White House would veto that bill if it came to his desk. So its easier, in a way, to make a law than it is to change a law, in some instances. We had better do it right the first time, rather than just do it fast. Do it right. That is what I am seeking to do.

Even when the President's advisers want to conceal the agency mismanagement or shift public focus toward a war with Iraq, Congress can make sure that the Director's job is getting done because Congress can ask him directly. So I tell my colleagues that I understand their desire to style the statutory office by yielding to the urge that I know some Members do.

Let's do it right. There may be a different administration, maybe a different party at the White House, Mr. Bush may not be at the White House at that time, I may not be at my desk. Let's do it right. Let's do it the way we ought to do it. If the war on terror is to be with us a long time, a Director of Homeland Security will be with us a long time, and Tom Ridge, if he is to be the Director in the future, even he may be gone and another Director may stand in his stead. Think about that. It is more than just a thought in passing.

I thank my friend from Nevada. I thank all Senators. I thank the wonderful people who have to man the desks up there. I thank the Presiding Officer, I thank the pages, the security personnel, the Doorkeepers and all. They have had to wait and listen. They are doing their job. I thank them and I apologize to them, in a way. I apologize for having delayed them to their places of abode.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BYRD. Mr. President, my statement has to undergo some interruption because of the colloquy between Mr. REID and myself. But the little remainder that I just read just now, I hope it will be understood from those who read the RECORD, that was the closing part of a previously prepared speech, and I hope they will keep that in mind when they read all parts of it in the RECORD. I would not ask it be joined directly with the first part, because of that colloquy.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allow to speak for a period not to exceed 5 minutes each.

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

IRAQ

Mr. EDWARDS. Mr. President, as a member of the Senate Intelligence Committee, I firmly believe that the issue of Iraq is not about politics. It's about national security. We know that for at least 20 years, Saddam Hussein has aggressively and obsessively sought weapons of mass destruction through every means available. We

know that he has chemical and biological weapons today. He has used them in the past, and he is doing everything he can to build more. Each day he inches closer to his longtime goal of nuclear capability—a capability that could be less than a year away.

I believe that Saddam Hussein's Iraqi regime represents a clear threat to the United States, to our allies, to our interests around the world, and to the values of freedom and democracy we hold dear.

Saddam has proven his willingness to act irrationally and brutally against his neighbors and against his own people. Iraqi's destructive capacity has the potential to throw the entire Middle East into chaos, and poses a mortal threat to our vital ally, Israel.

What's more, the terrorist threat against America is all too clear. Thousands of terrorist operatives around the world would pay anything to get their hands on Saddam's arsenal, and there is every possibility that he could turn his weapons over to these terrorists. No one can doubt that if the terrorists of September 11 had had weapons of mass destruction, they would have used them. On September 12, 2002, we can hardly ignore the terrorist threat, and the serious danger that Saddam would allow his arsenal to be used in aid of terror.

Iraq has continued to develop its arsenal in definance of the collective will of the international community, as expressed through the United Nations Security Council. It is violating the terms of the cease-fire that ended the Gulf War and ignoring as many as 16 U.N. Security Council resolutions—including 11 resolutions concerning Iraq's efforts to develop weapons of mass destruction.

These U.N. resolutions are not unilateral American demands. They involve obligations Iraq has undertaken to the international community. By ignoring them. Saddam Hussein is undermining the credibility of the United Nations, openly violating international law, and making a mockery of the very idea of international collective action which is so important to the United States and our allies.

The time has come for decisive action. With our allies, we must do whatever is necessary to guard against the threat posed by an Iraq armed with weapons of mass destruction, and under the thumb of Saddam Hussein. The United States must lead an international effort to remove the regime of Saddam Hussein and to assure that Iraq fulfills its obligations to the international community.

This is not an easy decision, and its carries many risks. It will also carry costs, certainly in resources, and possibly in lives. After careful consideration, I believe that the risk of inaction is far greater than the risk of action.

As we set out on this course, we must be as conscious of our special responsibility as we are confident in the rightness of our cause.

The United States has a special role of leadership in the international community. As America and its allies move down this path, we must do so in a way that preserves the legitimacy of our actions, enhances international consensus, and strengthens our global leadership.

First, this means making the strongest possible case to the American people about the danger Saddam poses. Months of mixed messages, high-level speculation and news-leaks about possible military plans have caused widespread concern among many Americans and around the world.

I am encouraged that the President has overruled some of his advisors and decided to ask for the support of Congress. From the support of Congress, this effort will derive even greater and more enduring strength.

Second, the Administration must do as much as possible to rally the support of the international community under the mandate of the United Nations Security Council. We should tap into the strengths of existing alliances like NATO to enforce such a mandate. And let me be clear: America's allies deserve more than just token consultation. The Bush administration must make a full-court press to rally global support, much like the impressive effort President Bush's father made to rally the first international coalition against Saddam in the fall of 1990. If they do, I believe they will succeed.

If, however, the United Nations Security Council is prevented from supporting this effort, then we must act with as many allies as possible to ensure that Iraq meets its obligations to existing Security Council resolutions. After all, that's what the U.S. and its NATO allies did during the 1999 war in Kosovo, when a U.N. Security Council resolution was impossible.

Third, we must be honest with the American people about the extraordinary commitment this task entails. It is likely to cost us much in the short-term, and it is certain to demand our attention and commitment for the long-haul. We have to show the world that we are prepared to do what it takes to help rebuild a post-Saddam Iraq and give the long-suffering Iraqi people the chance to live under freedom.

Working with our allies, we have to be prepared to deal with the consequences of success—helping to provide security inside Iraq after Saddam is gone, working with the various Iraqi opposition groups in shaping a new government, reassuring Iraq's neighbors about its future stability, and supporting the Iraqi people as they rebuild their lives. This is a massive undertaking, and we must pursue it with no illusions.

Ensuring that Iraq complies with its commitments to the international community is the mission of the moment. Rebuilding Iraq and helping it evolve into a democracy at peace with itself and its neighbors will be the mission of many years.

Unfortunately, the administration's record to date gives me cause for concern. They must not make the same mistakes in post-Saddam Iraq that they are making in post-Taliban Afghanistan, where they have been dangerously slow in making the real commitment necessary to help democracy take root and flourish.

Finally, the administration must show that its actions against Iraq are part of a broader strategy to strengthen American security around the world.

We must address the most insidious threat posed by weapons of mass destruction—the threat that comes from the ability of terrorists to obtain them. We must do much more to support the many disarmament programs already in place to dismantle weapons and prevent access to weapons-grade materials in Russia and the former Soviet states; we must fully fund Nunn-Lugar; and we should work hard to forge international coalition to prevent proliferation.

We must be fully and continuously engaged to help resolve the crisis between Israel and the Palestinians. Disengagement was a mistake. The United States cannot deliver peace to the parties, but no agreement is possible without our active involvement.

We also must have a national strategy for energy security, working to strengthen relationships with new suppliers and doing more to develop alternative sources of power.

And we must do far more to promote democracy throughout the Arab world. We should examine our overall engagement in the entire region, and employ the same kinds of tools that we used to win the battle of ideas fought during the Cold War, from vigorous public diplomacy to assistance for democratic reform at the grassroots.

The path of confronting Saddam is full of hazards. But the path of inaction is far more dangerous. This week, a week where we remember the sacrifice of thousands of innocent Americans made on 9/11, the choice could not be starker. Had we known that such attacks were imminent, we surely would have used every means at our disposal to prevent them and take out the plotters. We cannot wait for such a terrible event—or, if weapons of mass destruction are used, one far worse—to address the clear and present danger posed by Saddam Hussein's Iraq.

SEPTEMBER 11 REMEMBRANCE

Mr. ENZI. Mr. President, yesterday we marked the anniversary of one of the most horrific events in our Nation's history. On September 11 of last year, without provocation or warning, extremists took control of four of our planes and used them as weapons of destruction against us to cowardly take from our lives our friends and neighbors, our mothers and fathers, and our sons and daughters.

As we watched those events unfold, during the subsequent rescue attempts,

we saw more of our Nation's brave men and women lose their lives in the support and defense of others. It was not only a terrible loss of life. It was a loss of our most vital and valuable resource, our Nation's people and the potential they carried within them for greatness in so many different fields and endeavors of importance to them and to us.

As we watched the images broadcast around the world, we all made a decision in our hearts to do everything we could to respond to the attack on our nation, our freedom, our liberty and our way of life. For each of us it meant something different, but for all of us, it helped to know there was something we could all do to help.

For Congress, that meant expressing our strongest support for the President and his ambitious and necessary plan to end the global network of terror that has sown the seeds of despair and hatred wherever it has found fertile ground. The President's plan is to do more than defeat the forces of terror. It is to replace those seeds of anger and hatred with seeds of hope and peace.

For our Nation's Armed Forces, it meant answering the call to duty and taking arms against an enemy who placed no value on human life.

The rules of war are not many, but one unavoidable one is that it takes the lives of our young men and women. One of those we lost in the early stages of the war was one of Wyoming's own, Jonn Edmunds, an Army Ranger from Cheyenne, who gave his life in Afghanistan as he fought and died for a cause that he believed in.

For all Americans, it meant an awakening of our sense of patriotism and our love of country, as we put aside our differences and unfurled our flags and proudly displayed them on our porches and windows. We came together as one, united, in support of our leaders and our President.

We know from past experience that the effort to respond to challenges like this is not a quick or easy one. It takes a lengthy and determined commitment to principle if we are to succeed.

I have no doubt our resolve will remain strong and we will be united in purpose, as we have done before when called to respond to a threat to our way of life.

A little over fifty years ago, on a day that has been compared to this one, those who opposed us were heard to say after their attack that they may have done nothing more than awaken a sleeping giant. On that day in December and this one in September, we may have been a sleeping giant, but when the time came to respond, we did, and by so doing, we changed the world.

We have to respond with strength and determination because those who attacked us chose their targets with such clear and evil intent. They attacked the World Trade Center, because of its symbolic representation of our economic power. They attacked the Pentagon because of its symbolic representation of the power of our military. And they sought to attack our Nation's capital because it is the heart of our government and it represents our democracy and our way of life.

No one will ever forget where they were or what they were doing as they first heard the news of the terrorist attack on our Nation. We all sat and watched in stunned silence as events unfolded that are now forever etched in our mind.

In the days that have passed since then, we have kept alive the memory of those we lost, repaired and restored what we could, and made plans to recreate what could not be saved. It has been a difficult and daunting task.

Through it all the President has led a united Nation, committed to ending the threat of terrorism, not just for us, but for our children, and for all the children of the world who deserve to grow up and pursue a dream of peace, hope and opportunity.

When the terrorists struck at the heart of our Nation that day they took something more precious than our buildings, and the symbols of American pride and ingenuity we all hold dear. When they took our loved ones from us, they also took the innocence of our children who had to learn quickly, and at a young and tender age, that there are bad people in the world who do bad things. And that all too often, bad things happen to good people.

But, when they looked at us with questioning eyes, did any of us have a good answer to the question they wanted answered the most, ''Why?''

Fortunately, the President's leadership has enabled him to put together an international coalition dedicated to dismantling the network of terror and to bringing those responsible to justice, wherever they may try to hide.

The conspiracy of terrorism can only survive in the darkness of hatred. It can not long survive when we bring the light of peace to bear on all the Nations of the world. That light is the symbol of freedom that our Statue of Liberty holds proudly and with purpose in the harbor of New York, not far from where the Twin Towers once stood. It is a light that will someday shine for everyone in every country in the world, and we will all live in peace and freedom.

We are, and always will be, a Nation of individuals. We all have our own stories, our own goals and ambitions, and our own plans for our lives. But, when faced with a crisis, as we were last year, we come together as one united in our commitment that no one will ever have to endure a tragedy as terrible as the events that unfolded last year.

Yesterday was a day of remembrance. It will always be so. May it serve as a constant reminder that we are one Nation, under God, with liberty and justice for all.

The lives of all those who were lost are like an unfinished symphony that has been left to us to continue and complete. We carry their dreams, their hopes, their ambitions, their challenges and their plans for the future with us. With God's strength and the support of each of us we will complete the work they started and ensure the safety and security of all people, of all countries, and of all regions of the world for generations to come.

CBO ESTIMATES ON REPORTED BILLS

Mr. BIDEN. Mr. President, prior to the August recess, the Committee on Foreign Relations reported several bills without written report. At the time, the Congressional Budget Office, CBO, estimates on the bills were not available. I ask unanimous consent that the CBO estimates on these bills, S. 1777, H.R. 4558, and H.R. 2121, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 1, 2002.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1777, the International Disability and Victims of Landmines, Civil Strife, and Warfare Assistance Act of 2002.

The CBO staff contacts for this estimate are Joseph C. Whitehill, who can be reached at 226–2840, and Jeanne M. De Sa, who can be reached at 226–9010.

Sincerely,

BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

Enclosure.

S. 1777—International Disability and Victims of Landmines, Civil Strife, and Warfare Assistance Act of 2002

Summary: S. 1777 would authorize the President to furnish assistance to individuals with disabilities in foreign countries, including victims of landmines and other war injuries. The bill also would authorize the Centers for Disease Control and Prevention (CDC) to provide such assistance, and would authorize the Department of Veterans Affairs (VA) to provide advice and expertise to U.S. agencies and private voluntary agencies undertaking such programs. Currently, the U.S. Agency for International Development (USAID), the CDC, and VA provide some assistance in this area under more general authority. CBO estimates that implementing S. 1777 would cost about $4 million over the 2003–2005 period, assuming appropriation of the necessary amounts. Because S. 1777 would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

S. 1777 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: For this estimate, CBO assumes that the legislation will be enacted near the beginning of fiscal year 2003, that the estimated amounts will be appropriated each year, and that outlays will follow historical spending patterns. The budgetary impact of S. 1777 is shown in the following table. The costs of this legislation fall within budget

functions 550 (Health) and 700 (veterans benefits and services).

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated authorization level	2	2	0	0	0
Estimated outlays	1	2	1	0	0

Basis of estimate: S. 1777 would authorize the President to furnish assistance to individuals with disabilities in foreign countries, including victims of landmines and other war injuries. Under more general authorities in current law, USAID, the CDC, and VA provide roughly $15 million a year in assistance in this area. The bill would expand current programs.

U.S. Agency for International Development.—Section 3 would authorize assistance to individuals with disabilities, including victims of landmines and other victims of warfare and civil strife. USAID currently provides such assistance, primarily through the Patrick Leahy War Victims Fund, with a funding level of $10 million each year. CBO estimates that under S. 1777, funding for individuals with disabilities would continue at that rate.

Centers for Disease Control.—Section 4 would authorize the appropriation of such sums as may be necessary in fiscal years 2003 and 2004 for the CDC to conduct programs in foreign countries for individuals with disabilities, including persons injured by landmines and civil strife. Those programs could include research on trauma and rehabilitation, evaluating treatment interventions, developing medical instruction tools for responding to traumatic injuries, and facilitating and training peer-support networks. The bill would authorize the CDC to provide grants to nongovernmental organizations to carry out research, prevention activities, and public awareness campaigns, as well as other activities to share information about research on limb loss and best practices in treatment programs.

Under current law, the CDC provides $5 million a year for some of the activities authorized by the bill, most of which are directed toward a network for victims of landmines. S. 1777 would authorize the CDC to carry out additional activities such as trauma research and evaluation of medical treatments. According to the CDC, those additional activities would require $2 million a year in additional funding. Thus, CBO estimates that the bill would increase agency spending by $4 million over the 2003–2005 period, subject to appropriation of the necessary amounts.

Department of Veterans Affairs.—Section 5 would authorize VA to provide advice and expertise to federal agencies and technical assistance to private voluntary organizations (PVOs) with respect to planning, development, operation, and evaluation of landmine assistance, research, and prevention programs. The VA currently provides advice to other federal agencies on a nonreimbursable basis. The bill would authorize VA to provide technical assistance to PVOs on a reimbursable basis. Based on information from VA, CBO estimates the cost and collections from providing this technical assistance would be less than $500,000 a year.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: S. 1777 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Previous CBO estimate: On November 8, 2001, CBO prepared an estimate for H.R. 3169, the International Disability and Victims of Landmines, Civil Strife, and Warfare Assistance Act of 2001, as ordered reported by the House Committee on International Relations on November 1, 2001. That bill would authorize the appropriation of $15 million in 2002 and 2003 for programs to assist individuals with disabilities, including victims of landmines and other victims of warfare and civil strife administered by USAID and such sums as may be necessary in 2002–2004 for the CDC. H.R. 3169 also would authorize VA to provide advice and expertise to federal agencies and technical assistance to PVOs with respect to planning, development, operation, and evaluation of landmine programs. CBO's estimate of the costs associated with the CDC and VA programs are the same in both bills.

Estimate prepared by: Federal spending: USAID—Joseph C. Whitehill (226–2840), CDC—Jeanne M. De Sa (226–9010), VA—Sam Papenfuss (226–2840); impact on state, local, and tribal governments: Greg Waring (226–3220); impact on the private sector: Paige Piper/Bach (226–2940).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 14, 2002.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2121, the Russia Democracy Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Joseph C. Whitehall, who can be reached at 226–2840.

Sincerely,

ROBERT A. SUNSHINE
(For Dan L. Crippen, Director).

Enclosure.

H.R. 2121—Russia Democracy Act of 2002

Summary: H.R. 2121 would expand the U.S. government's authority to provide assistance to democratic institutions and media in Russia and would authorize the appropriation of $50 million in 2003 for programs to strengthen the rule of law and an independent media in that country. (In 2002, appropriations for various types of assistance to the independent states of the former Soviet Union totaled $784 million.) Assuming the appropriation of the authorized amount, CBO estimates that implementing the act would cost about $50 million over the 2003–2007 period. Enacting H.R. 2121 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 2121 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2121 is shown in the following table. The estimate assumes that the authorized amount would be appropriated and that outlays would follow historical spending patterns for similar activities. The costs of this legislation fall within budget function 150 (international affairs).

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization level	0	50	0	0	0	0
Estimated outlays	0	9	21	11	5	2

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 2121 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Previous CBO estimate: On November 6, 2001, CBO prepared an estimate for H.R. 2121 as ordered reported by the House Committee on International Relations on November 1, 2001. That earlier version of the legislation would have authorized the appropriation of $50 million in 2002.

Estimate prepared by: Federal costs: Joseph C. Whitehill (226–2840); impact on state, local, and tribal governments: Greg Waring (225–3220); impact on the private sector: Paige Piper/Bach (226–2940).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 7, 2002.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4558, an act to extend the Irish Peace Process Cultural and Training Program.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226–2860.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 4558—An act to extend the Irish Peace Process Cultural and Training Program

Summary: The Irish Peace Process Cultural and Training Program Act of 1998 (Public Law 105–319) provides nonimmigrant visas for young adults from certain areas of Northern Ireland and the Republic of Ireland. Those individuals work or study in the United States for up to three years. This program is currently scheduled to terminate on October 1, 2005. H.R. 4558 would extend it until October 1, 2006.

CBO estimates that implementing H.R. 4558 would cost about $4 million in fiscal year 2006 for the Department of State to administer this program, subject to the availability of appropriations. Enacting the legislation also would affect direct spending and receipts, but CBO estimates that any such effects would not be significant. Because the act would effect direct spending and receipts, pay-as-you-go procedures would apply.

H.R. 4558 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4558 is shown in the following table. The costs of this legislation fall within budget functions 150 (international affairs) and 750 (administration of justice).

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
Spending under current law:						
Estimated authorization level [1]	4	4	4	4	0	0
Estimated outlays	4	4	4	4	0	0
Proposed changes:						
Estimated authorization level	0	0	0	0	4	0
Estimated outlays	0	0	0	0	4	0
Spending under H.R. 4558:						
Estimated authorization level	4	4	4	4	4	0
Estimated outlays	4	4	4	4	4	0

[1] The 2002 level is the amount appropriated for that year for the Irish Peace Process Cultural and Training Program. The estimated authorization levels for 2003 through 2005 are CBO baseline estimates.

Since the program's inception, there have been about 250 participants each year. Thus, CBO estimates that any effects on fees collected by the Immigration and Naturalization Service (INS) or the State Department as a result of extending the program would be insignificant. INS fees are classified as offsetting receipts (a credit against direct spending), and the State Department fees are classified as governmental receipts (i.e., revenues).

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act specifies pay-as-you-go procedures for legislation affecting direct spending and receipts. Those procedures would apply to H.R. 4558 because it would affect both direct spending and receipts, but CBO estimates that the annual amount of such changes would not be significant.

Intergovernmental and private-sector impact: H.R. 4558 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On July 22, 2002, CBO transmitted a cost estimate for H.R. 4558 as ordered reported by the House Committee on the Judiciary on July 17, 2002. The two versions of the legislation are identical, as are our cost estimates.

Estimate prepared by: Federal costs: Mark Grabowicz (226–2860); impact on state, local, and tribal governments: Angela Seitz (225–3220); impact on the private sector: Paige Piper/Bach (226–2960).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

VOTE EXPLANATION

Mr. WELLSTONE. Mr. President, I regret that I was necessarily absent for the vote on the confirmation of Timothy Corrigan to the United States District Court in Florida due to my attending events in Minnesota commemorating the anniversary of the terrorist attacks of September 11. I would ask that the RECORD reflect that I would have voted yes on this nomination.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in July 2000 in San Diego, CA. Four Mexican migrants were attacked and shot with pellet guns. The assailants, several neo-Nazi skinheads, chased the victims, beat them, and shot them with high-powered pellet guns. Two of the victims had to have the pellets surgically removed. Police investigated the incident as a hate crime.

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 Enhancement Act of 2001 is now 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.

SPEECH OF YASSER ARAFAT

Mrs. BOXER. Mr. President, this week, Palestinian leader Yasser Arafat delivered a speech to the Palestinian Legislative Council that I found extremely disappointing.

The speech, which was given Monday, did not outline specific steps to end terrorism against the Israeli people and did not offer any new ideas on how to achieve peace in the Middle East. As one senior European diplomat said, ''It was a very shallow speech, repeating the standard phrases he's used for years now.''

Perhaps most disturbing of all was Yasser Arafat's outright refusal to call for an end to the practice of suicide bombings, even after his own interior minister, Abdel Razak Yehiyeh, said that all Palestinians should abandon suicide attacks. The omission is especially glaring given that drafts of the speech made available to the media beforehand explicitly called for the parliament to outlaw suicide bombings against civilians. As someone who has continually worked to rally international support against this disgraceful practice, I am greatly saddened that Yasser Arafat did not have the courage to call for a complete ban on suicide bombings.

Given this most recent failure of Yasser Arafat, I want to bring to the attention of my colleagues a report issued by Amnesty International titled ''Without Distinction—Attacks on Civilians by Palestinian Armed Groups.'' This report, which was released just weeks before the August recess, documents 128 attacks between September 29, 2000 and May 31, 2002 in which 338 civilians were killed. In the press release issued with the report, William Schultz, Executive Director of Amnesty International USA, says, ''there is no justification for attacking civilians, and Palestinian leaders must clearly state that all such attacks must cease, whether they take place in Israel, the West Bank or Gaza.'' I ask unanimous consent that the entire press release be printed in the RECORD. The full report can be found on the Internet at http://www.amnestyusa.org/countries/israel_and_occupied_territories/index.html.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Amnesty International, July 11, 2002]

ISRAEL/OCCUPIED TERRITORIES/PALESTINIAN AUTHORITY

WASHINGTON, DC.—In a report released today, Amnesty International condemned attacks by Palestinian armed groups against civilians as crimes against humanity and possible war crimes, and called for the perpetrators to be arrested and prosecuted.

''There is no justification for attacking civilians, and Palestinian leaders must clearly state that all such attacks must cease, whether they take place in Israel, the West Bank or Gaza,'' said William F. Schulz, Executive Director of Amnesty International USA (AIUSA). ''Action must then follow words, with those responsible for these attacks arrested and brought to justice in line with international human rights standards.''

Amnesty International examined 128 attacks between September 29, 2000 and May 31, 2002 in which 338 civilians were killed. Based on analysis of the attacks and the armed groups claiming responsibility, Amnesty International concludes that the attacks are widespread, systemic, and part of an explicit policy of attacking civilians. Those individuals who order, plan, or carry out such attacks are therefore guilty of crimes against humanity, and the attacks may constitute war crimes. Attacks on civilians are expressly prohibited by the Geneva Conventions and the principles of international humanitarian law.

The report profiles the groups claiming responsibility for these attacks and reviews the statements of their leaders and officials. For example, the Al-Aqsa Martyrs Brigade, formed by Fatah members in 2000, has claimed responsibility for 23 attacks. Marwan Barghouti, Secretary General of Fatah, stated to Amnesty International that Fatah considers that Israelis in the West Bank and Gaza are not civilians because ''it is all in occupied country.'' Amnesty International asserts that international law prohibits attacks on civilians wherever they are.

Despite an obligation to investigate and prosecute the perpetrators of attacks on civilians, many of the detentions of alleged members of armed groups by the Palestinian Authority appear to be motivated by considerations other than a genuine concern to bring the perpetrators to justice.

''The Palestinian Authority has the responsibility to stop attacks by Palestinian armed groups and claims that the Palestinian Authority has acted with due diligence to stop these attacks lack credibility,'' said Marty Rosenbluth, AIUSA's Country Specialist for Israel, the Occupied Territories and the Palestinian Authority. ''However, the investigation and prosecution of those responsible must not result in further violations. To date, the measures taken by both Israel and the Palestinian Authority have included torture and violations of the right to a fair trial.''

Mrs. BOXER. Mr. President, this week, Yasser Arafat had the opportunity to follow the advice of Dr. Schultz and strongly state that terrorist attacks, including suicide bombings, must end. Unfortunately, Yasser Arafat has again fallen short of what he must do so that peace can be achieved in the Middle East.

ADDITIONAL STATEMENTS

HISPANIC HERITAGE MONTH

• Mrs. CARNAHAN. Mr. President, I am proud to take this opportunity to recognize the period beginning on September 15 and ending on October 15 as Hispanic Heritage Month. This month celebrates the rich and varied heritage of Hispanics in the United States, who come from as far away as South America and the islands of the Caribbean, and as nearby as our neighbor to the south, Mexico. I urge all Americans to

take this opportunity to learn more about the culture and important contributions Hispanics have made and continue to make to the United States.

It is fitting that what originally started out as Hispanic Heritage Week in September of 1968 has been lengthened to a month-long celebration of the culture and contributions of Hispanics to the American experience. This is in large part a reflection of the growing prominence of Hispanics in all sectors of American society. As a U.S. Senator, though, I am especially interested and encouraged by the growing role Hispanics are playing in our Nation's government.

Hispanics have a long history of service to the United States as elected officials. The first Hispanic to serve in the Congress was Delegate Joseph Marion Hernandez of the Territory of Florida in 1822. The first Hispanic elected from a State was Romualdo Pacheco of California, who won his race by one vote in 1876. Dennis Chavez of New Mexico became the first Hispanic Senator after being elected in 1936.

In recent years, Hispanic women have also successfully been elected to the Congress. In 1988, ILEANA ROS-LEHTINEN became both the first Cuban-American and first Hispanic woman elected to serve in the House of Representatives. Four years later, she was joined in the House by LYDIA VELÁSQUEZ, the first Puerto Rican woman, and LUCILLE ROYBAL-ALLARD, the first Mexican-American woman. I am pleased that the number of Hispanics now serving in the House of Representatives has more than doubled in the years from 1984 to 2000, from 9 to 21, and I look forward to working with Hispanic colleagues in the Senate as well.

Government is not the only area where Hispanics are breaking new ground. Hispanics are enriching all aspects of our Nation's cultural and economic life. Hispanic entrepreneurs, who open up small businesses at a higher rate than that of the general population, fuel our economy and create jobs. Hispanic writers, such as Isabel Allende, are not only enriching our literature, but are also redefining the American experience through their novels, such as Portrait of Sepia and Daughter of Fortune. Hispanic labor leaders, following in the footsteps of Cesar Chavez, continue to fight for livable wages and safe working conditions. Roberto Clemente, an athlete and humanitarian, who died while delivering much-needed relief supplies to Central America, was the first Hispanic elected to the Baseball Hall of Fame following a stellar career with the Pittsburgh Pirates. Hispanics have also served honorably in every military engagement since the Revolutionary War—38 have earned the military's highest decoration for their bravery, the Medal of Honor. Louis Caldera, the eldest son of Mexican immigrants, followed in this tradition of military service and became the first Hispanic Secretary of the Army from 1998–2001.

As we celebrate Hispanic Heritage Month, let us take the time to learn more about these and other Hispanic leaders. But let us also take a moment to recognize the many hardworking Hispanic members of our own communities as well. Let us welcome them when they are new arrivals and ensure that our diversity remains one of our greatest strengths. Their contributions serve to enrich our common culture and we are all the better for it. The truest testimony of our greatness as a nation is the enduring power of the American Dream and the sacrifices people everywhere are willing to make to attain it.●

CENTENNIAL CELEBRATION FOR INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 309

● Mr. DURBIN. Mr. President, I rise today to celebrate the centennial of the International Brotherhood of Electrical Workers Local 309 in Collinsville, IL. On September 11, 1902, eleven electrical workers from my hometown of East St. Louis, IL committed to support a united labor effort by forming their own local chapter. Despite the dangers in developing the electrical industry, the group continued its work and advanced to become highly trained and skilled journeymen.

The group has grown from its eleven original members to 1,100 and has helped shape the Metro-east and surrounding areas of southern Illinois. Local 309 has been a leader in the electrical industry, with advancements in training, organizing, market recovery, and member services. Its apprentice program has been registered in the United States Department of Labor Bureau of Apprenticeship and has been producing skilled and experienced workers for the past 100 years. It continues to show its commitment to the education of its members in this, its centennial year.

Through their expertise and solidarity, today's members of Local 309 continue the legacy of their founders by uniting the electrical workers of southern Illinois under the common goals of fairness, justice, and leadership in their field.

Congratulations to the members of Local 309 on their centennial celebration. Best wishes for the next 100 years.●

NATIONAL KIDS VOTING WEEK

● Mr. MCCAIN. Mr. President, I wish to take this opportunity to recognize Kids Voting USA and its efforts to educate our children about civic participation, democracy, and the electoral process. Kids Voting USA is an organization that began in my State, but now reaches nearly five million students nationwide.

What began as a fishing trip to Costa Rica by three Arizona businessmen has blossomed into an organization that involves 9,000 schools, 200,000 teachers, 80,000 volunteers, and countless sponsors and donors. With 38 States and more than 140 communities across the Nation participating, Kids Voting USA teaches students from kindergarten through high school about the importance of civic participation and their rights and responsibilities as citizens. Through an acclaimed, interactive core of service-based curricula, young people gain the knowledge, skills, and motivation for democratic living.

Combined with a civics education, students participate in local and national elections in communities across the country. Kids Voting USA enables students to visit official polls on election day, accompanied by a parent or guardian, to cast a ballot that replicates the official ballot. During the last national election, more than 1.5 million students voted as part of the Kids Voting USA program. In last year's local elections students actively participated in over 114 cities, counties, and school districts.

This year, National Kids Voting Week is September 11–17, and will coincide with the inauguration of National Civic Participation Week. It will be a week that highlights programs and activities that lead to greater participation in elections and the political process. As we reflect on the events of the last year, National Kids Voting Week will celebrate the vibrant and important Kids Voting program by focusing on the hopes and dreams of young citizens. I would like to recognize Kids Voting USA and all it has done to promote the future of democracy by engaging families, schools, and communities in the election process.●

MERCK MECTIZAN DONATION PROGRAM

● Mr. CORZINE. Mr. President, I rise today to recognize the 15th anniversary of one of the largest and most successful public/private partnerships in health care in the developing world, the Merck MECTIZAN Donation Program. Today, this program provides hope to millions, and I am proud to pay tribute to Merck & Co., a leading New Jersey corporation, for its work on this critical issue.

On October 21, 1987, Merck & Co., Inc. announced plans to donate MECTIZAN, ivermectin, a medicine Merck discovered to combat river blindness, for as long as it might be needed, wherever needed. Onchocerciasis, ''river blindness'', is a leading cause of blindness in the developing world. It is a debilitating and disfiguring disease, affecting millions in sub-Saharan Africa, parts of Central and South America and Yemen in the Middle East. The disease, which has infected 18 million people and has left an estimated one million people visually impaired or blind, is caused by parasitic worms that infiltrate, multiply, and spread throughout the human body.

In the global fight against infectious diseases, the lack of public health infrastructure contributes to widespread and needless suffering even when valuable drug treatments are available for use. When Merck made the decision to donate MECTIZAN to treat river blindness, the company understood that while providing the drug for free was necessary, it was not sufficient. They also understood that it was critical to create a reliable, effective distribution system that would ensure MECTIZAN reached the affected millions for as long as necessary.

The lack of public health care infrastructure was a tremendous challenge even though MECTIZAN is an easy to administer oral medication that requires only a single annual dose. To that end, a multisector coalition involving Merck, the World Health Organization; the World Bank; UNICEF; the Carter Center; Ministries of Health of endemic countries; more than thirty non-governmental development organizations, and local community health workers was created. The Merck MECTIZAN Donation Program is now considered by many to be the most important model for public/private partnerships for addressing health care issues in the developing world.

The success and sustainability of the Merck MECTIZAN Donation Program over the past 15 years demonstrates the power and possibilities in strong and creative public/private partnerships to help address the enormous public health challenges facing developing countries today. As a result of the MECTIZAN Donation Program, more than 30 million people are now receiving treatment for river blindness annually. Since the program's inception, Merck has donated more than 700 million MECTIZAN tablets. Access to MECTIZAN has spared millions of children and their families from the risk of infection and the fear of going blind due to river blindness.

Building on the success of the program's fight against river blindness, Merck expanded the program in 1998 to include the donations of MECTIZAN for the prevention of lymphatic filariasis, more commonly known as elephantiasis, in African countries where river blindness and lymphatic filariasis co-exist. It is estimated that 300 million people in Africa are at risk of this disease.

On this, the 15th anniversary of the Merck MECTIZAN Donation Program, I offer praise and gratitude to the many partners who have made life better for millions of people in the developing world.●

TRIBUTE TO ALAN KRANOWITZ

● Mr. DODD. Mr. President, today I pay tribute to a great friend and outstanding public servant, Alan Kranowitz, who passed away on June 3, 2002, following a long battle with cancer. Alan's loss continues to reverberate throughout the Washington D.C. area, a testament to the enormous impact he had and the plethora of lasting friendships he made during his 25 years of service as a top advisor to Congressmen and Presidents.

Alan was born and raised in New Britain, CT, and educated at Yale. He first came to Washington in 1965 to serve as executive assistant, and later as chief of staff to my father, Senator THOMAS DODD. By the time Alan left my father's office in 1971, he was one of my father's most valued and trusted aides.

But Alan did not only add knowledge and outstanding political instincts to my father's office. Alan's wit, good nature, and personal appeal made him beloved beyond measure by everyone who was fortunate enough to have known him, or to have worked with him, in my father's Senate office, and beyond.

After 1971, Alan moved easily between top congressional staff positions and key policy positions in the Nixon, Ford, and Reagan administrations. Starting off as Senate liaison for the U.S. Department of Housing and Urban Development under President Nixon, Alan soon became the chief lobbyist for the Office of Management and Budget in the Nixon and Ford Administrations.

In the mid-1980s, Alan joined the Reagan White House as a chief legislative advisor and liaison, where his encyclopedic knowledge of policy and his personal ability to bridge differences between Democrats and Republicans made him a key player in shaping the legislative agenda of President Reagan's second term.

Ken Duberstein, President Reagan's Chief of Staff, told The Washington Post and The New York Times that Alan was an invaluable part of Reagan's legislative team; that the White House ''relied heavily on [Alan] in determining what was possible and doable'' because Alan always offered ''absolutely unbiased, straightforward advice.''

Aside from working in the White House, in the 1980s, Alan also served as chief of staff to former Representative Tom Loeffler of Texas, and as a senior advisor to House Republican leader Bob Michel.

In 1989, Ronald Reagan appointed Alan as an original council member of the U.S. Holocaust Memorial Museum in Washington.

For the past 12 years, Alan served as a senior vice president of the National Association of Wholesalers-Distributors.

I believe that Alan is best remembered in Washington as someone who brought integrity wherever he went, and excelled at whatever he did. In a town where one's political and institutional affiliations often define their career options, Alan moved easily from the Senate to the House, from Congress to the White House, and from Democratic to Republican positions.

That's because it was Alan the man, not Alan the Democrat, or Alan the Republican, who lit up a room, who brought charm and grace along with him wherever he went, and who touched the hearts of everyone with whom he came in contact.

Alan's was a life cut short, and he will be sorely missed. To Carol, his wife of 35 years, and to his sons, Jeremy and David, and everyone else in Alan's family, I offer my most heartfelt condolences for your loss.

But I came to the floor of the Senate today not simply to mourn a loss, I came to the floor to celebrate a life. The life of Alan Kranowitz was truly a life well-lived. He touched so many and every one of us he touched is a better person because of it.●

VANESSA SHORT BULL IS MISS SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I publicly commend Vanessa Short Bull, a resident of Rapid City, South Dakota, on her selection to represent South Dakota in the Miss America Pageant in Atlantic City, NJ.

Vanessa Short Bull's extraordinary dedication to educational excellence, efforts to increase political awareness, prodigious ballet talent, and years of dedicated practice helped her win the title of Miss South Dakota. Vanessa will now be traveling to Atlantic City to compete against other highly talented women from across our nation for the title of Miss America 2002.

Vanessa obtains the honor of being the first American Indian to be crowned Miss South Dakota. She was born on the Pine Ridge Indian Reservation, and currently resides in Rapid City. She is an enrolled member of the Oglala Sioux Tribe, and a direct descendent of several great Lakota leaders. Thomas and Darlene Short Bull are Vanessa's proud parents, and they deserve special recognition for their roles in helping Vanessa obtain this prestigious honor.

''Political Awareness and Participation'' is the center of Vanessa's platform. She believes it is important for Americans, especially young people and minorities, to become more involved in the democratic process. She has been actively helping her cause by registering voters and encouraging them to get out and vote. Vanessa will perform the classical ballet piece ''The Dying Swan'' for the talent portion of the competition. She has danced for more than 15 years and has studied at the School of Cleveland Ballet, Ballet West Conservatory, and the University of Utah.

The Miss America Organization has maintained a tradition of empowering American women to achieve their personal and professional goals, while providing a forum for them to express their opinions, talents, and intelligence. Vanessa exemplifies this tradition, and provides an excellent example for other gifted young women to emulate. All of South Dakota is proud to have her represent our great state.

Vanessa Short Bull is an extraordinary woman who richly deserves this distinguished recognition. I strongly commend her years of hard work and dedication, and I am very pleased that her substantial efforts are being publicly honored and celebrated. I wish her the best at the Miss America competition, and it is with great honor that I share her impressive accomplishments with my colleagues.●

CHARACTER COUNTS AND ALBUQUERQUE'S SEPTEMBER 11 COMMEMORATION

● Mr. DOMENICI. Mr. President, I rise today to highlight the contributions of a community, dedicated to the spirit of the Character Counts education movement, in its commemoration of the first anniversary of the September 11 terrorist attacks on our Nation.

The Nation as a whole this week took time to honor the victims, salute our military men and women fighting the war on terrorism, and reaffirm our faith and belief in our great Nation. New Mexico communities joined in this effort, not least among them our largest city, Albuquerque.

I rise today to highlight Albuquerque's tribute because it fused the nearly decade-long effort to build character education into the day-to-day life of the city with the community's desire to commemorate September 11.

This week, some 4,200 Albuquerque school children simultaneously released helium-filled balloons as part of a ''Character Counts Soaring Spirits Salute'' to commemorate September 11. This balloon launch gave the students a chance to honor the people who lost their lives in last year's terrorist attacks.

But the Character Counts rally had a second purpose. We designed this balloon launch to lead into the celebration of National Character Week. Supporters of the Character Counts initiative hope this will become a yearly observance built around September 11, and the purpose of the week is to celebrate the acts of kindness and courage we see in our communities every single day.

The Character Counts Soaring Spirits Salute involved some outstanding New Mexico community leaders and business owners who worked together to make this event happen, and serve as evidence of a community working together to improve itself by promoting the tenets of good character. I am proud to say these are people who routinely rally behind our youth.

I believe some deserve to be singled out, including: the New Mexico State Fair; Excel Staffing Companies; MCI; Albuquerque Public Schools, (APS); KISS–FM; Public Service Company of New Mexico; Valley Distributing; Greg Cook Productions; Dave Garduño of Garduño's Restaurants; as well as the men and women of the 58th Special Operations Wing and the New Mexico National Guard of Kirtland Air Force Base in Albuquerque.

A measure of gratitude is also owed to a number of individuals, including: Gabe Garcia and Chris Montaño of Duranes Elementary School; Judi Preston of Video Wizard; Eric Hampleman of Simmons Media; Steve Stucker of KOB–TV; Bill Wood of KRQE–TV; Bruce Bortner and Ed O'Leary of the Albuquerque Character Counts Leadership Council; Carole Smith of APS; Terry Eisenbart of Southwest Airlines, who sponsored State Fair festivities for the day.

I am very fortunate to represent a community like Albuquerque where I know we can always count on daily acts of Respect, Responsibility, Trustworthiness, Citizenship, Fairness and Caring. Those are the pillars of Character Counts, and it's why today I congratulate and I deeply thank my neighbors in New Mexico for their daily acts of kindness, courage, and character as we mark our progress as a nation and a united community a year after the terrible attacks on our Nation.●

TRIBUTE TO JOHNNY UNITAS

● Ms. MIKULSKI. Mr. President, it is with sadness that I rise today to pay tribute to a man who passed away too soon, the Man with the Golden Arm, the great Baltimore Colt, Hall of Famer Johnny Unitas. He was known to many as the greatest quarterback to ever play in the National Football League. Yet to those of us in Baltimore and Maryland, he was our own Johnny U. He was the man who put professional football on the national map, who embodied the strong spirit of our city and State.

Johnny Unitas was born in Pittsburgh, but he spent most of his life in Baltimore. He was as much a part of the fabric of the city as crab cakes and Cal Ripken.

After high school, he wanted to play football in college at the University of Notre Dame. Yet the coaches there told him he was too small to play football. Johnny wound up playing at the University of Louisville, and was drafted in 1955 by his hometown Pittsburgh Steelers. The Steelers promptly cut him from the team before the 1955 season started, telling him that he wasn't smart enough to be a quarterback.

Pittsburgh's loss was Baltimore's gain. The Baltimore Colts signed him in 1956, and the rest is history. In 1958, he led the Colts to an improbable victory in the NFL Championship Game against the New York Giants, a game that is now referred to as ''The Greatest Ever Played.'' Unitas engineered the famous 80-yard game-tying drive with less than 2 minutes to play in regulation, then led the Colts to victory in overtime. This was the first overtime game ever played in the NFL. The legend of Johnny Unitas was soon born.

His trademark crew-cut and black high-top cleats were copied by boys all over Baltimore, Maryland, and the entire country. Every kid wanted to be number 19.

His toughness was legendary. Many times he played with broken bones, through unbearable pain. The words he said to his teammates before every game embodied his spirit: ''Talk is cheap, let's go play.''

His accomplishments are too numerous to mention, but among them are these: 3-time Player of the Year; 3-time NFL Champion; first quarterback to pass for over 40,000 yards; a touchdown pass in 47 consecutive games, a feat which is compared to Joe DiMaggio's 56-game hitting streak; 10 Pro Bowl selections; Player of the Decade for the 1960's; Greatest Player in the First 50 Years of the NFL; NFL 75th Anniversary Team; and Hall of Fame Inductee, 1979. When he retired in 1973, Johnny Unitas held 22 NFL records.

It is not just his accomplishments on the field that endeared him to the fans in Baltimore. He was an unassuming superstar, a reluctant hero, a regular guy who happened to be a tremendous athlete. He understood that a smile or a handshake or an autograph could make a fan's day.

He was generous with charities, too, even as he fell upon difficult financial times. He established the Johnny Unitas Golden Arm Educational Foundation, and supported various organizations dedicated to children's causes, cancer research, and victims of sexual assault and domestic violence.

Johnny Unitas was the underdog who became the greatest quarterback in the history of the National Football League. Yet beyond that, he was a fine person who will be sorely missed, not only in Baltimore and Maryland, but across the country. My thoughts and prayers are with his family, his friends, and his many, many fans.●

EXPULSION OF THE ACADIANS

● Mr. BREAUX. Mr. President, I rise today to address the injustices the British Crown inflicted upon the Acadian people over 200 years ago. Due to their refusal to take an oath of loyalty to the King of Great Britain that would require them to bear arms against their French ancestors, the British governor exiled them from their homes and confiscated their property in Eastern Canada beginning in 1755.

This action caused great suffering among the Acadian people as they struggled to find a new home. Forced from their homes, many left for the American colonies. Ultimately, a small group of Acadians found their way to the Spanish colony of Louisiana in 1764. In the next twenty-five years, over 2,600 made the journey to Louisiana.

These refugees ultimately settled in Louisiana and created the Cajun culture which has so richly influenced Louisiana since that time. While Louisiana culture benefited greatly from the Acadian expulsion, the suffering of the Acadian people must never be forgotten.

Great Britain is one of our closest allies. We have a long history of cooperation and friendship. It is for this very reason I believe and hope the British government would acknowledge this tragic incident and the difficulties it caused for thousands of my Cajun ancestors.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NOTICE STATING THAT THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE TERRORIST ATTACKS ON THE UNITED STATES OF SEPTEMBER 11, 2001 IS TO CONTINUE IN EFFECT BEYOND SEPTEMBER 14, 2002—PM 107

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* the enclosed notice, stating that the emergency declared with respect to the terrorist attacks on the United States of September 11, 2001, is to continue in effect for 1 year. Proclamation 7463, Declaration of National Emergency by Reason of Certain Terrorist Attacks, was published in the *Federal Register* on September 18, 2001 (66 Fed. Reg. 48199)

The terrorist threat that led to the declaration on September 4, 2001, of a national emergency continues. For this reason, I have determined that it is necessary to continue in effect after September 14, 2002, the national emergency with respect to the terrorist threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 12, 2002.*

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

Under the authority of the Senate of January 3, 2001, the Secretary of the Senate, on September 11, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 3287. An act to redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., as the ''Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center''.

H.R. 3917. An act to authorize a national memorial to commemorate the passengers and crew of Flight 93 who, on September 11, 2001, courageously gave their lives thereby thwarting a planned attack on our Nation's Capital, and for other purposes.

H.R. 5207. An act to designate the facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the ''Thomas E. Burnett, Jr. Post Office Building''.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2924. A bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines Flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8910. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report covering defense articles and services that were licensed for export under section 38 of the Arms Export Control Act during Fiscal Year 2001; to the Committee on Foreign Relations.

EC–8911. A communication from the Under Secretary of Defense, Personnel and Readiness, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–8912. A communication from the Secretary of Transportation, transmitting, pursuant to law, a Report to Congress: U.S. Department of Transportation Research and Development, Competitive Merit Review Selection and Performance Measurement Evaluation; to the Committee on Environment and Public Works.

EC–8913. A communication from the Secretary, Postal Rate Commission, transmitting, pursuant to law, the report of a nomination confirmed for the position of Commissioner, received on September 9, 2002; to the Committee on Governmental Affairs.

EC–8914. A communication from the Acting Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Inmate Central Records System'' received on August 15, 2002; to the Committee on the Judiciary.

EC–8915. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Report on the Administration of the Foreign Agents Registration Act for the period July 1, 2002 through December 31, 2001; to the Committee on Foreign Relations.

EC–8916. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Acceleration of Periodic Report Filing Dates and Disclosure Concerning Website Access to Reports'' (RIN3235–AI33) received on September 9, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8917. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the Budget Request for the Office of the Inspector General for Fiscal Year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8918. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Budget Request for Fiscal Year 2004 ; to the Committee on Health, Education, Labor, and Pensions.

EC–8919. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Addition of Tannat as a Grape Variety Name for American Wines'' (RIN1512–AC50) received on September 9, 2002; to the Committee on Finance.

EC–8920. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, transmitting, pursuant to law , the report of a rule entitled ''T.D. ATF–482, Expansion of the Lodi Viticultural Area'' (RIN1512–AC92) received on September 9, 2002; to the Committee on Finance.

EC–8921. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice'' (Notice 2002–61) received on September 9, 2002; to the Committee on Finance.

EC–8922. A communication from the Administrator, Dairy Programs, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled ''Fluid Milk Promotion Order; Final Rule'' (Doc. No. DA–02–02) received on August 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8923. A communication from the Administrator, Dairy Programs, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington and Wisconsin; Order Amending Marketing Agreement and Order No. 930'' (Doc. No. AO–370–A7) received on August 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8924. A communication from the Administrator, Dairy Programs, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Change in the Minimum Maturity Requirements for Fresh Grapefruit'' (Doc. No. FV02–905–2 IFR) received on August 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8925. A communication from the Administrator, Dairy Programs, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled ''Hass Avocado Promotion, Research and Information Order'' (Doc. No. FV–01–705–FR) received on August 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8926. A communication from the Regulations Officer, Federal Motor Carrier Safety

Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Registration Enforcement'' (RIN2126–AA78) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8927. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Diamond Aircraft Industries GmbH Models H–36, HK 36R, HK 36 TC, HK 36 TS, HK 36 TTC, HK 36 TTC–ECO, HK 36 TTC–ECO and HK 36 TTS Sailplanes'' (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8928. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: de Havilland Inc. Models DHC 2, MK 1, DHC 2 MK II, and DHC 2 MK III Airplanes'' (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8929. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Cessna Model 650 Airplanes'' (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8930. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD 11 and 11F Airplanes'' (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8931. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD 11 Airplanes'' (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8932. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD 11 and 11 F Airplanes'' (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8933. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Fokker Model F.28 Mark 0070, 0100, 2000, 3000, and 4000 Series Airplanes'' (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8934. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Turbomeca Makila 1 A, 1 A1, and 1 A2 Turboshaft Engines'' (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8935. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Model HH 1K, TH 1F, UH 1A, UH 1B, UH 1E, UH 1F, UH 1H, UH 1L, and UH 1P; and SW Florida Aviation SW204, SW205, SW205A 1 Helicopters Manufactured by Bell Helicopter Textron, Inc. for the Armed Forces of the United States'' (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8936. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model DC120B, EC 155B, SA330F, SA330G, SA330J, AS332C, AS332L, AS332L1, AS332L2, AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350D, AS355E, AS355F, AS355F1, AS355F2, AS355N, AS365N2, AS365N3, SA–365N and SA365N1 Helicopter'' (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8937. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–8–21, 31, 32, 33, 41, 42, and 43 Airplanes; and Model DC 8 50, 60, and 70 Series Airplanes; Modified per Supplemental Type Certificates SA 1063S0, SA 1862S0, or SA1832S0'' (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8938. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Stillwater Municipal Airport, Stillwater, OK'' (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8939. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Springhill, LA'' (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8940. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Honeywell International Inc. Turboshaft Engines'' (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8941. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron Canada Model 222, 222B, 222U, and 230 Helicopter'' (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8942. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron, Inc. Model 204B, 205A, A–1, and B Helicopters'' (RIN2120–AA64) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8943. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Aberdeen Field Airport, Smithfield, VA'' (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8944. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Scott Field Airport, Mangum, OK'' (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8945. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Annapolis, MD'' (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8946. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Norton, KS'' (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8947. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Bloomington, IN; Correction'' (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8948. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Cold Bay, AK'' (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8949. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Cordova, AK'' (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8950. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Nuiqsut, AK'' (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8951. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Buckland, AK'' (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8952. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to Class D and Class E Airspace; Medford, OR'' (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8953. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Coppertown, MT'' (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8954. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Kodiak, AK'' (RIN2120–AA66) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8955. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Oilrig Construction Project Portland Harbor, Portland, ME'' ((RIN2115–AA97)(2002–0184)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8956. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; East River, Manhattan, NY'' ((RIN2115–AA97)(2002–0183)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8957. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Temporary Requirements for Notification of Arrival in U.S. Ports'' (RIN2115–AG47) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8958. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; San Diego Bay, CA'' ((RIN2115–AA97)(2002–0179)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8959. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; St. Mary's River, St. Mary's City, MD'' ((RIN2115–AE46)(2002–0030)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8960. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; High Interest Vessel Transits, Narragansett Bay, Providence, RI'' ((RIN2115–AA97)(2002–0180)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8961. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Ventura Offshore Gran Prix , Ventura, California'' ((RIN2115–AA97)(2002–0181)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8962. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; East River, Manhattan, NY'' ((RIN2115–AA97)(2002–0182)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8963. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Portsmouth Harbor, Portsmouth, NH'' ((RIN2115–AA97)(2002–0185)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8964. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Training and Qualifications for Personnel on Passenger Ships'' (RIN2115–AF83) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8965. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY'' ((RIN2115–AE47)(2002–0080)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8966. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations (2 regulations)'' ((RIN2115–AE47)(2002–0081)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8967. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions Amendment to Caruthersville, MO Class E Airspace Area'' ((RIN2120–AA66)(2002–0141)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8968. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 B4–600, B4–600R, and F4–600R (Collectively Called A300–600) Series Airplanes; and Model A310 Series Airplanes'' ((RIN2120–AA64)(2002–0393)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8969. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 777 Series Airplanes'' ((RIN2120–AA64)(2002–0389)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8970. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes'' ((RIN2120–AA64)(2002–0388)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8971. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dornier Model 328–100 and 300 Series Airplanes'' ((RIN2120–AA64)(2002–0394)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8972. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Request for Comments; Barry Aviation, LLC Model PZL-Krosno KR–03A ''Peregrine'' (Puchatek) Sailplanes'' ((RIN2120–AA64)(2002–0396)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8973. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL–600–2B19 Series Airplanes'' ((RIN2120–AA64)(2002–0384)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8974. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Action Establishment of Class D and Class E4 Airspace; St. Augustine, FL'' ((RIN2120–AA66)(2002–0140)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8975. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions Amendment to Gordon, NE Class E Airspace Area'' ((RIN2120–AA66)(2002–0139)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8976. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–600, 700, 700C, 800, and 900 Series Airplanes'' ((RIN2120–AA64)(2002–0391)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8977. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dornier Model 328–100 and 328–300 Series Airplanes'' ((RIN2120–AA64)(2002–0390)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8978. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions Modification of the Memphis International Airport Class B Airspace Area'' ((RIN2120–AA66)(2002–0142)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8979. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model 717–200 Airplanes'' ((RIN2120–AA64)(2002–0392)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8980. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 777 Series Airplanes'' ((RIN2120–AA64)(2002–0385)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8981. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model DHC–8–100, 200, and 300 Series Airplanes'' ((RIN2120–AA64)(2002–0386)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8982. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Turbomeca SA Arriel Models 2 SI, 2B, and 2C Turboshaft Engines'' ((RIN2120–AA64)(2002–0387)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8983. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments Amendment No. 437'' ((RIN2120–AA63)(2002–0008)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8984. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A320 and A321 Series Airplanes'' ((RIN2120–AA64)(2002–0397)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8985. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments 27 Amendment No. 3019'' ((RIN2120–AA65)(2002–0045)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8986. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments 53 Amendment No. 3020'' ((RIN2120–AA65)(2002–0046)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8987. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–100, 200, 200C, 300, 400, and 500 Series Airplanes'' ((RIN2120–AA64)(2002–0399)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8988. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron, a Division of Textron Canada, Model 407 Helicopters'' ((RIN2120–AA64)(2002–0398)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8989. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments 23 Amendment No. 3016'' ((RIN2120–AA65)(2002–0048)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8990. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments 27 Amendment No. 3015'' ((RIN2120–AA65)(2002–0047)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8991. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Hartzell Propeller Inc. HC–A3V, HC–B3M, HC–B3T, HC–B4M, HC–B4T, and HC–B5M Series Propellers; Correction'' ((RIN2120–AA64)(2002–0400)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8992. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD–11 Airplanes'' ((RIN2120–AA64)(2002–0401)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8993. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments 37 Amendment No. 3017'' ((RIN2120–AA65)(2002–0049)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8994. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments 14 Amendment No. 3018'' (RIN2120–AA65)(2002–0050)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8995. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Action Amend Class E Airspace: Seneca Falls, NY'' ((RIN2120–AA66)(2002–0143)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8996. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amend Class E Airspace; Mount Pocono, PA'' ((RIN2120–AA66)(2002–0144)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8997. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Diamond Aircraft Industries GmbH Models HK 36R ''Super Dimona'', HK 36TC, HK 36TS, HK 36 TTC, HK 36 TTC–ECO, HK 36 TTC–ECO (Restricted Category), and HK 36 TTS Sailplanes'' ((RIN2120–AA64)(2002–0402)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8998. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Ballonbau Worner GmbH Model K–630/1Stu Manned Free Gas Balloons'' ((RIN2120–AA64)(2002–0403)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–8999. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 727 Series Airplanes'' ((RIN2120–AA64)(2002–0404)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9000. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Model BAe.125 Series 100A Airplanes and Model Hawker 1000 Airplanes'' ((RIN2120–AA64)(2002–0405)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9001. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt and Whitney JT8D Turbofan Engines'' ((RIN2120–AA64)(2002–0407)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9002. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Learjet Model 45 Airplanes'' ((RIN2120–AA64)(2002–0406)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9003. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment Class D Airspace; White Plains NY'' ((RIN2120–AA66)(2002–0146)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9004. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace Gordonsville, VA'' ((RIN2120–AA66)(2002–0145)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9005. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Poplarville, MS'' ((RIN2120–AA66)(2002–0148)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9006. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace Cordova, AK'' ((RIN2120–AA66)(2002–0147)) received on September 9, 2002; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 1069: A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes. (Rept. No. 107–276).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2482: A bill to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road. (Rept. No. 107–277).

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2712: A bill to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries. (Rept. No. 107–278).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

H.R. 809: A bill to make technical corrections to various antitrust laws and to references to such laws.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THOMPSON:

S. 2925. A bill to provide that certain ceiling fans enter duty-free and without any quantitative limitations if the competitive need limitation had been waived with respect to the fans; to the Committee on Finance.

By Mr. SANTORUM:

S. 2926. A bill to name the Department of Veterans Affairs outpatient clinic in Horhsam, Pennsylvania, as the ''Victor J. Saracini Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 2927. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Oregon; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself, Mr. LEAHY, Mrs. CLINTON, and Mr. SCHUMER):

S. 2928. A bill to amend the Federal Water Pollution Control Act and the Water Resources Development Act of 2000 to modify provisions relating to the Lake Champlain basin; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2929. A bill to designate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the ''Nat King Cole Post Office''; to the Committee on Governmental Affairs.

By Mr. BINGAMAN:

S. 2930. A bill to amend the Secure Rural Schools and Community Self-Determination Act of 2000 to clarify the treatment of title III project funds reserved by countries under such Act for purposes of disbursements under chapter 69 of title 31, United States Code; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2931. A bill to designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, as the ''Francis Dayle 'Chick' Hearn Post Office''; to the Committee on Governmental Affairs.

By Mr. GREGG (for himself, Mr. ENZI, Ms. COLLINS, and Mr. COCHRAN):

S. 2932. A bill to make technical amendments to the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BREAUX (for himself, Mr. HATCH, Mr. BAUCUS, Ms. COLLINS, Mrs. CARNAHAN, Mr. SMITH of Oregon, Mrs. LINCOLN, Mr. BOND, Mr. TORRICELLI, Mr. NELSON of Nebraska, and Ms. STABENOW):

S. 2933. A bill to promote elder justice, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SESSIONS (for himself, Mr. REID, Mr. CRAPO, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. TORRICELLI, Mr. HAGEL, Mrs. LINCOLN, Mr. GRASSLEY, Mr. DORGAN, Mr. SHELBY, Mrs. FEINSTEIN, Mr. HELMS, Ms. CANTWELL, Mr. DEWINE, Mr. MILLER, Mr. INHOFE, Mr. INOUYE, Mr. BROWNBACK, Mr. CORZINE, Mr. CRAIG, Mr. JOHNSON, Mr. ROBERTS, Mr. EDWARDS, Mr. SMITH of Oregon, Mrs. CLINTON, Mr. CAMPBELL, Mr. KERRY, Mr. FITZGERALD, Mr. LIEBERMAN, Mr. ENSIGN, Mr. KENNEDY, Ms. SNOWE, Mr. SARBANES, Mr. HATCH, Mr. BREAUX, Mr. THURMOND, and Mrs. CARNAHAN):

S. Res. 325. Resolution designating the month of September 2002 as ''National Prostate Cancer Awareness Month''; to the Committee on the Judiciary.

By Mr. BIDEN (for himself, Mr. AKAKA, Mr. ALLEN, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CLELAND, Ms. COLLINS, Mr. CRAIG, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FITZGERALD, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WELLSTONE, Mr. WYDEN, and Mrs. CLINTON):

S. Res. 326. A resolution designating October 18, 2002, as ''National Mammography Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 554

At the request of Mrs. MURRAY, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 654

At the request of Mr. TORRICELLI, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 1655

At the request of Mr. BIDEN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1655, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1967

At the request of Mr. KERRY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1967, a bill to amend title XVIII of the Social Security Act to improve outpatient vision services under part B of the medicare program.

S. 2047

At the request of Mr. BREAUX, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2047, a bill to amend the Internal Revenue Code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax.

S. 2188

At the request of Mr. BREAUX, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2188, a bill to require the Consumer Product Safety Commission to amend its flammability standards for children's sleepwear under the Flammable Fabrics Act.

S. 2250

At the request of Mr. CORZINE, the names of the Senator from California (Mrs. BOXER) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2250, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

S. 2328

At the request of Mr. HARKIN, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Tennessee (Mr. FRIST), the Senator from Vermont (Mr. JEFFORDS), the Senator from Maine (Ms. COLLINS), the Senator from Ohio (Mr. DEWINE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Mr. LEVIN), the Senator from Michigan (Ms. STABENOW), the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KERRY), the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. SARBANES), the Senator from Georgia (Mr. CLELAND), the Senator from Montana (Mr. BAUCUS), the

Senator from Florida (Mr. GRAHAM), the Senator from Washington (Ms. CANTWELL), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2328, a bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2508

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2508, a bill to preserve the effectiveness of medically important antibiotics by restricting their use as additives to animal feed.

S. 2513

At the request of Mr. TORRICELLI, his name was added as a cosponsor of S. 2513, a bill to asses the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

S. 2560

At the request of Mr. ALLARD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2560, a bill to provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes.

S. 2577

At the request of Mr. FITZGERALD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2577, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

S. 2691

At the request of Mr. FEINGOLD, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2691, a bill to amend the Communications Act of 1934 to facilitate an increase in programming and content on radio that is locally and independently produced, to facilitate competition in radio programming, radio advertising, and concerts, and for other purposes.

S. 2700

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2700, a bill to amend titles II and XVI of the Social Security Act to limit the amount of attorney assessments for representation of claimants and to extend the attorney fee payment system to claims under title XVI of that Act.

S. 2727

At the request of Mr. AKAKA, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2727, a bill to provide for the protection of paleontological resources on Federal lands, and for other purposes.

S. 2742

At the request of Mrs. HUTCHISON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2742, a bill to establish new nonimmigrant classes for border commuter students.

S. 2763

At the request of Mrs. FEINSTEIN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 2763, a bill to respond to the illegal production, distribution, and use of methamphetamines in the United States, and for other purposes.

S. 2816

At the request of Mr. BAUCUS, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2816, a bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2892

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2892, a bill to provide economic security for America's workers.

S. 2911

At the request of Mr. HUTCHINSON, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Colorado (Mr. CAMPBELL), the Senator from Virginia (Mr. ALLEN), and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2911, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the modifications to education individual retirement accounts.

S. 2922

At the request of Ms. LANDRIEU, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2922, a bill to facilitate the deployment of wireless telecommunications networks in order to further the availability of the Emergency Alert System, and for other purposes.

S. RES. 305

At the request of Mr. THURMOND, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. Res. 305, A resolution designating the week beginning September 15, 2002, as ''National Historically Black Colleges and Universities Week''.

S. RES. 305

At the request of Mr. BIDEN, his name was added as a cosponsor of S. Res. 305, supra.

S. CON. RES. 129

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 129, A concurrent resolution expressing the sense of Congress regarding the establishment of the month of November each year as ''Chronic Obstructive Pulmonary Disease Awareness Month''.

S. CON. RES. 134

At the request of Mr. BAUCUS, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Con. Res. 134, A concurrent resolution expressing the sense of Congress to designate the fourth Sunday of each September as ''National Good Neighbor Day''.

AMENDMENT NO. 4480

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 4480 proposed to H.R. 5093, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 4510

At the request of Mr. BAYH, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 4510 intended to be proposed to H.R. 5005, a bill to establish the Department of Homeland Security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS (for himself, Mr. LEAHY, Mrs. CLINTON, and Mr. SCHUMER):

S. 2928. A bill to amend the Federal Water Pollution Control Act and the Water Resources Development Act of 2000 to modify provisions relating to the Lake Champlain basin; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, Members of the Senate, I rise on behalf of myself and Senators LEAHY, CLINTON, and SCHUMER to introduce the Daniel Patrick Moynihan Lake Champlain Basin Program Act of 2002.

This legislation will bring the Lake Champlain Basin Program into the 21st century.

In 1990, along with Senators LEAHY, MOYNIHAN, and D'AMATO, I introduced the Lake Champlain Special Designation Act which designated Lake Champlain as a resource of national significance.

The program began as a management conference with a charter of developing a comprehensive pollution prevention, control, and restoration plan for Lake Champlain.

The management conference began work immediately after passage of the Lake Champlain Special Designation Act of 1990 and developed the Plan entitled, ''Opportunities for Action.''

The conference evolved into today's Lake Champlain Basin Program which works cooperatively with partners throughout the region to protect and enhance the environmental integrity and the social and economic benefits of the Lake Champlain Basin.

A key element of the success of this program is the active participation of the local partners.

State and local governments, nonprofit entities, and the regional representatives of the Federal agencies involved in the Basin Program are the best fuel behind this program's success.

It is their efforts that have made this program an international model for lake restoration programs.

The program completed its first 5-year update of ''Opportunities for Action'' in January 2002.

Our legislation authorizes the implementation of this plan through a partnership between the Basin Program and the Federal Government.

Before I get into the specifics of the legislation, let me take a minute to describe the Lake Champlain Basin to you.

For those of you who have not visited either the Vermont or the New York side, I recommend that you take the time to see this magnificent spot which is the sixth largest freshwater lake in the world, after only the Great Lakes.

Lake Champlain flows north along the borders of Vermont, New York, and Canada.

It is 120 miles long and just 12 miles wide at its widest point.

Lake Champlain is home to a diverse array of 81 species of fish, 318 species of birds, 56 species of mammals, 21 species of amphibians and 20 reptile species.

The floor of Lake Champlain boasts some of the best-preserved submerged cultural heritage resources in North America.

Shipwrecks in the lake reflect virtually every era of human activity in the Basin.

The Lake Champlain Basin stretches from the Adirondacks to the Green Mountains and north into Quebec.

It is an area about the size of Massachusetts with 56 percent of the Basin in Vermont, 37 percent in New York, and 7 percent in Canada.

The Basin not only offers natural beauty, but also plays a key role in the life of Vermonters, New Yorkers, and Canadians.

It is a recreation mecca in the region with over 7,500 motorboats, more than 3,000 sailboats, and thousands of swimmers, windsurfers, kayakers, canoers, and scuba divers visiting Lake Champlain on a typical summer day.

Recreation generated $3.8 billion in the Basin in 2000. The population in the Basin has been steadily growing over the last 40 years.

Today, approximately one-third of the Basin's over 600,000 residents use the lake as a source of drinking water. It is also a key source of water for agriculture and industry. All of this human activity has taken a toll on Lake Champlain.

Although it remains a generally healthy lake today, it is plagued by excess phosphorous loadings, toxics such as mercury, and invasions of nonnative species such as the zebra mussel and sea lamprey.

We must take action to prevent future degradation.

The Lake Champlain Basin Program issued a revised Plan in January 2002, also entitled ''Opportunities for Action,'' that provides a path to protect the health of the lake well into the future.

The bill we introduce today, the Daniel Patrick Moynihan Lake Champlain Basin Program Act of 2002, authorizes the Federal side of the partnerships required to implement Opportunities for Action.

This legislation authorizes $5 million per year for 5 years for the Environmental Protection Agency to make grants to implement Opportunities for Action.

These funds will be coupled with a 25-percent local match as well as with $6 million per year for 5 years from the Department of the Interior, the Department of Commerce, and the Department of Agriculture.

This bill also revises an authorization that Congress passed in the Water Resources Development Act of 2000 for the Army Corps of Engineers to provide design and construction assistance of up to $20 million for implementation of Opportunities for Action to make it more usable for ''Vermont-style'' projects.

These funds will be used to protect and enhance the environmental integrity and social and economic benefits of the Lake Champlain basin and to achieve the environmental goals described in the plan, including: the reduction of phosphorous inputs; the reduction of toxic contamination; the control of the introduction, spread, and impacts of nonnative nuisance substances and species; the minimization of risks to humans from water-related health hazards, and the protection of natural, recreation, and cultural heritage resources.

I look forward to working with my colleagues in Washington, in New York, and, most of all, in Vermont to pass this legislation and to implement this program that is so critical to the long-term health of Lake Champlain.

Mrs. CLINTON. Mr. President, I join my colleague from Vermont in supporting this bill that he is introducing today, the Daniel Patrick Moynihan Lake Champlain Basin Program Act of 2002.

I thank Chairman JEFFORDS, with whom I have the honor and pleasure of serving on the Senate Environment and Public Works Committee, for working on this legislation, for being devoted to Lake Champlain, and for giving my distinguished predecessor, Senator Moynihan, the honor of naming it after him.

Senator Moynihan was in my office on Tuesday. I told him of Senator JEFFORD's plans, and he was surprised and delighted. But he certainly deserves this great honor because, along with Senator JEFFORDS, he has been a champion of this natural and cultural resource that our States share: the Lake Champlain Basin and Champlain Valley.

We are joining with our colleagues—Senator LEAHY and Senator SCHUMER—in introducing this legislation because we know how significant this lake is. It is the sixth largest natural freshwater lake in the United States. Some of us consider it a ''Great Lake.'' It is home to an array of fish, birds, and other wildlife.

It also has significant historic, social, and economic consequences for our entire country. What we aim to do with this legislation is to give the Champlain Valley Basin the kind of support it needs to continue its recovery.

This is an area that Senator JEFFORDS and Senator Moynihan paid particular attention to. They have worked very closely together over the last many years. And it builds on legislation that Senator Moynihan played a key role in during the 101st Congress, as well as a plan that came out of the 1990 legislation entitled ''Opportunities for Action'' that enabled the Lake Champlain Steering Committee to create the new guiding document on which our legislation, in great measure, draws.

This will provide new and important resources for counties in Vermont and also counties in New York, including Clinton, Essex, Franklin, Hamilton, Warren, and Washington Counties.

This is very important environmental legislation, but it is equally important economic, social, and historic legislation. That is why I am very proud to sponsor this legislation with my chairman, Senator JEFFORDS, and to join him in naming this legislation after our illustrious and esteemed colleague, Senator Patrick Moynihan.

There is no more fitting tribute to Senator Moynihan than to give him

the recognition that he is due for the leadership role he played in bringing to national attention places of great national importance, such as Lake Champlain.

I thank Senator JEFFORDS.

Mr. LEAHY. Mr. President, my colleague, Senator JEFFORDS, introduced legislation, the Lake Champlain Basin Program Act of 2002, in honor of former Senator Daniel Patrick Moynihan. With the forbearance of the distinguished Senator from Connecticut and the distinguished Senator from Tennessee, I will only speak for a couple minutes.

I, obviously, strongly support what Senator JEFFORDS has done and appreciate his work and the work of the members of his staff.

In Vermont, we are extremely pleased with the success of the Lake Champlain program to date. With the additional resources in this bill, we are confident that the problems that Lake Champlain encounters—the problems of pollution and of other matters—can be addressed.

Lake Champlain is a magnificent lake standing between Vermont and New York. It is a lake that is enjoyed by people who fish, sail, who are involved in economic activities, and, of course, it has tremendous economic and historical value to this Nation, from the time of the Revolutionary War on.

The basin program shows what happens when two States, Vermont and New York, and one province, the Province of Quebec, get together and work on a common watershed and link their people, their governments—local, State, and Federal—together in almost unprecedented cooperation to save this great big beautiful lake. It has been a model for watersheds throughout the Nation.

I am pleased to join in introducing this legislation. I believe it will ensure that our children and our grandchildren will enjoy this lake in the same way Senator JEFFORDS and I did when we were children.

I am very pleased to join with my colleagues from Vermont and New York as we introduce the Lake Champlain Basin Program Act of 2002 in honor of former Senator Daniel Patrick Moynihan.

I was with Senator MOYNIHAN in 1990 that we were able to enact the first comprehensive piece of legislation to make Federal resources available to help our states address the challenges facing Lake Champlain.

I want to thank Senator JEFFORDS and his staff for all the work they have put into this effort. I know that many hours have gone into the research, discussion and editing to get where we are today.

I also want to thank Senators CLINTON and SCHUMER who are our valuable New York partners in all things related to Lake Champlain.

Our initial 1990 Lake Champlain legislation was very successful. It brought together various agencies, interest groups and government entities to develop a comprehensive pollution prevention and restoration management plan for the Lake.

Through long hours and a cooperative effort, the Vermonters and New Yorkers involved came up with a good plan which was signed by Governors Dean and Pataki in 1996.

While we have several priority action items ranging across a wide spectrum of Lake related issues, the Big three remain phosphorus reduction, toxic contaminant prevention and clean-up and management of aquatic nuisance species.

Our legislative proposal today rightfully moves from an emphasis on research and planning to one of clean-up implementation and, quite importantly, monitoring the progress of that clean-up.

We are very pleased with the success of the Lake Champlain Basin Program to date, and with the additional resources envisioned in this bill, we are confident that the problems Lake Champlain is encountering can be addressed successfully.

The Basin Program stands as a fine example of how two States and one province can work together as a common watershed linking its citizens and their governments at all levels—local, State and Federal.

Indeed, the Lake Champlain model has been held up many times in recent years as an example for other watersheds around the world.

We are happy to share our successes, and even our failures, with conservation initiatives internationally.

I am excited about the prospects of this legislation and I hope the full Senate will give Vermont and New York its ringing endorsement once it has received committee review.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Daniel Patrick Moynihan Lake Champlain Basin Program Act of 2002''.

SEC. 2. LAKE CHAMPLAIN BASIN PROGRAM.

Title I of the Federal Water Pollution Control Act is amended by striking section 120 (33 U.S.C. 1270) and inserting the following:

''SEC. 120. LAKE CHAMPLAIN BASIN PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) COMMITTEE.—The term 'Committee' means the steering committee of the program comprised of representatives of Federal, State, and local governments and other persons, as specified in the Plan.

''(2) LAKE CHAMPLAIN BASIN.—

''(A) IN GENERAL.—The term 'Lake Champlain basin' means all water and land resources in the United States in the drainage basin of Lake Champlain.

''(B) INCLUSIONS.—The term 'Lake Champlain basin' includes—

''(i) Clinton, Essex, Franklin, Hamilton, Warren, and Washington counties in the State of New York; and

''(ii) Addison, Bennington, Caledonia, Chittenden, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, and Washington counties in the State of Vermont.

''(3) PLAN.—The term 'Plan' means the plan entitled 'Opportunities for Action: An Evolving Plan for the Future of the Lake Champlain Basin', approved by Lake Champlain Steering Committee on January 30, 2002, that describes the actions necessary to protect and enhance the environmental integrity and the social and economic benefits of the Lake Champlain basin.

''(4) PROGRAM.—The term 'program' means the Lake Champlain Basin Program established by subsection (b)(1).

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established a program to be known as the 'Lake Champlain Basin Program'.

''(2) PURPOSES.—The purposes of the program are—

''(A) to protect and enhance the environmental integrity and social and economic benefits of the Lake Champlain basin; and

''(B) to achieve the environmental goals described in the Plan, including—

''(i) the reduction of phosphorous inputs to Lake Champlain from point sources and nonpoint sources so as to—

''(I) promote a healthy and diverse ecosystem; and

''(II) provide for sustainable human use and enjoyment of Lake Champlain;

''(ii) the reduction of toxic contamination, such as contamination by mercury and polychlorinated biphenyls, to protect public health and the ecosystem of the Lake Champlain basin;

''(iii) the control of the introduction, spread, and impacts of nonnative nuisance species to preserve the integrity of the ecosystem of the Lake Champlain basin;

''(iv) the minimization of risks to humans from water-related health hazards in the Lake Champlain basin, including through the protection of sources of drinking water in the Lake Champlain basin;

''(v) the restoration and maintenance of a healthy and diverse community of fish and wildlife in the Lake Champlain basin;

''(vi) the protection and restoration of wetland, streams, and riparian habitat in the Lake Champlain basin, including functions and values provided by those areas;

''(vii) the management of Lake Champlain, including shorelines and tributaries of Lake Champlain, to achieve—

''(I) the protection of natural and cultural resources of Lake Champlain; and

''(II) the maintenance of recreational uses of Lake Champlain;

''(viii) the protection of recreation and cultural heritage resources of the Lake Champlain basin;

''(ix) the continuance of the Lake Champlain long-term water quality and biological monitoring program; and

''(x) the promotion of healthy and diverse economic activity and sustainable development principles in the Lake Champlain basin.

''(c) IMPLEMENTATION.—The Committee, in consultation with appropriate heads of Federal agencies, shall implement the program.

''(d) REVISION OF PLAN.—At least once every 5 years, the Committee shall review and, as necessary, revise the Plan.

''(e) GRANTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Administrator may, in consultation with the Committee, make grants, for the purpose of implementing the management strategies contained in the Plan, to—

''(A) State, interstate, and regional water pollution control agencies; and

''(B) public or nonprofit agencies, institutions, and organizations.

''(2) COST SHARING.—The Federal share of the cost of any activity carried out using funds from a grant provided under this subsection shall not exceed 75 percent.

''(3) ADDITIONAL REQUIREMENTS.—The Administrator may establish such additional requirements for the administration of grants provided under this subsection as the Administrator determines to be appropriate.

''(f) COORDINATION OF FEDERAL PROGRAMS.—

''(1) AGRICULTURE.—The Secretary of Agriculture shall support the implementation of the program by providing financial and technical assistance relating to best management practices for controlling nonpoint source pollution, particularly with respect to preventing pollution from agricultural activities.

''(2) INTERIOR.—

''(A) GEOLOGICAL SURVEY.—The Secretary of the Interior, acting through the United States Geological Survey, shall support the implementation of the program by providing financial, scientific, and technical assistance and applicable watershed research, such as—

''(i) stream flow monitoring;

''(ii) water quality monitoring;

''(iii) evaluation of effectiveness of best management practices;

''(iv) research on the transport and final destination of toxic chemicals in the environment; and

''(v) development of an integrated geographic information system of the Lake Champlain basin.

''(B) FISH AND WILDLIFE.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and in cooperation with the Committee, shall support the implementation of the program by—

''(i) supporting the protection and restoration of wetland, streams, aquatic, and riparian habitat;

''(ii) supporting restoration of interjurisdictional fisheries and declining aquatic species in the Lake Champlain watershed through—

''(I) propagation of fish in hatcheries; and

''(II) continued advancement in fish culture and aquatic species management technology;

''(iii) supporting the control and management of aquatic nuisance species that have adverse effects on—

''(I) fisheries; or

''(II) the form, function, or structure of the ecosystem of the Lake Champlain basin;

''(iv) providing financial and technical assistance in accordance with the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) to private landowners seeking to improve fish and wildlife habitat, a goal of which is—

''(I) restoration of full function to degraded habitat;

''(II) enhancement of specific habitat functions; or

''(III) establishment of valuable fish and wildlife habitat that did not previously exist on a particular parcel of real property; and

''(v) taking other appropriate action to assist in implementation of the Plan.

''(C) NATIONAL PARKS.—The Secretary of the Interior, acting through the Director of the National Park Service, shall support the implementation of the program by providing, through the use of funds in the National Recreation and Preservation Appropriation account of the National Park Service, financial and technical assistance for programs concerning cultural heritage, natural resources, recreational resources, or other programs consistent with the mission of the National Park Service that are associated with the Lake Champlain basin, as identified in the Plan.

''(3) COMMERCE.—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall support the implementation of the program by providing financial and technical assistance, through the national sea grant program of the Department of Commerce, for—

''(A) research;

''(B) management of fisheries and other aquatic resources;

''(C) related watershed programs; and

''(D) other appropriate action to assist in implementation of the Plan.

''(g) NO EFFECT ON OTHER AUTHORITY.—Nothing in this section affects the authority of—

''(1) any Federal or State agency; or

''(2) any international entity relating to Lake Champlain established by an international agreement to which the United States is a party.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $11,000,000 for each of fiscal years 2003 through 2007, of which—

''(1) $5,000,000 shall be made available to the Administrator;

''(2) $3,000,000 shall be made available to the Secretary of the Interior;

''(3) $1,000,000 shall be made available to the Secretary of Commerce; and

''(4) $2,000,000 shall be made available to the Secretary of Agriculture.''.

SEC. 3. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

Section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671) is amended—

(1) in subsection (a)—

(A) by striking ''(a)'' and all that follows through ''(A) the land areas'' and inserting the following:

''(a) DEFINITION OF LAKE CHAMPLAIN WATERSHED.—In this section, the term 'Lake Champlain watershed' means—

''(1) the land areas'';

(B) by striking ''(B)(i) the'' and inserting the following:

''(2)(A) the'';

(C) by striking ''(ii) the'' and inserting the following:

''(B) the'';

(D) in paragraph (2)(A) (as redesignated by subparagraph (B)), by inserting ''Hamilton,'' after ''Franklin,''; and

(E) in paragraph (2)(B) (as redesignated by subparagraph (C)), by striking ''clause (i)'' and inserting ''subparagraph (A)'';

(2) in subsections (b) through (e), by striking ''critical restoration'' each place it appears and inserting ''ecosystem restoration'';

(3) in subsection (b)—

(A) in the subsection heading, by striking ''CRITICAL RESTORATION PROJECTS'' and inserting ''ECOSYSTEM RESTORATION PROGRAM'';

(B) in paragraph (1), by striking ''participate in'' and inserting ''provide design and construction assistance to non-Federal interests for''; and

(C) in paragraph (2), by striking ''A'' and inserting ''An'';

(4) in subsection (c)—

(A) by striking ''assistance for a'' and inserting ''design and construction assistance for an''; and

(B) in paragraph (2), by inserting ''ecosystem restoration or'' after ''form of'';

(5) in subsection (d)—

(A) by striking ''(d)'' and all that follows through ''(A) IN GENERAL.—A'' and inserting the following:

''(d) CRITERIA FOR ELIGIBILITY.—

''(1) IN GENERAL.—An''; and

(B) by striking ''(B) SPECIAL'' and inserting the following:

''(2) SPECIAL''; and

(6) in subsection (e)(1)—

(A) by striking ''to a'' and inserting ''to an''; and

(B) by striking ''agreement that shall require the non-Federal interest'' and inserting the following: ''agreement that is in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and under which the non-Federal interest agrees''.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2929. A bill to designate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the ''Nat King Cole Post Office''; to the Committee on Governmental Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today, along with Senator BOXER to introduce legislation that would name a post office in Los Angeles, CA after Nathaniel Adams Coles, whom we all know as Nat ''King'' Cole.

Nat ''King'' Cole was a great American vocalist and entertainer, and the best selling African-American recording artist of his generation.

Born in 1919 in Montgomery, AL, Mr. Cole proved, at an early age, to be quite musically adept. At the age of four, he gave his first public performance playing the piano and singing at Chicago's Regal Theater.

In 1937, as a struggling young musician, he moved to Southern California.

While in Los Angeles, Mr. Cole was asked to put together a small musical group which was to play at the Sewanee Inn, a Los Angeles nightclub.

The owner of the Sewanee Inn is responsible for the nickname ''King Cole'' because he asked him to wear a golden paper crown. Though the crown was short lived, the nickname stuck and the musical group became known as the King Cole Trio.

In 1943, the King Cole Trio signed with a fledgling record company known as Capital Records. The next year, Capital Records released a song written by Nat ''King'' Cole and recorded by the King Cole Trio called ''Straighten Up and Fly Right.''

The song became a huge hit due to its popularity with audiences of different races. The King Cole Trio went on to have a series of musical hits that include ''For Sentimental Reasons'' and ''The Christmas Song.''

Nat ''King'' Cole went on to sell so many records that Capital Records' headquarters became known as the ''House that Nat built.''

Nat ''King'' Cole's legacy not only encompasses his musical genius, but also his bravery in overcoming racial intolerance. During his career, he played in some clubs where he was the first ever Black entertainer to perform. He also endured an attack from white supremacists while on stage in Birmingham, Alabama in 1956.

Mr. Cole holds a special place in the hearts of Los Angeles residents, as a man who brought down racial barriers. In 1948, Mr. Cole and his family purchased a home in the exclusive Hancock Park section of Los Angeles. His would-be neighbors formed an association to prevent him from moving into the all-white community.

Overcoming these protests and threats, Mr. Cole moved in and became the first family to integrate the community.

In honor of this distinguished former resident, members of the community surrounding the Oakwood Station Post Office, have advocated that the post office at 265 South Western Avenue in Los Angeles be named after Nat ''King'' Cole.

It is my pleasure to introduce such legislation, and I hope that my colleagues will support it.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2931. A bill to designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, as the ''Francis Dayle 'Chick' Hearn Post Office'', to the Committee on Government Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today, along with Senator BOXER, to introduce legislation that would name a postal facility in Los Angeles, California after the great Los Angeles Laker's announcer, Francis Dayle ''Chick'' Hearn.

Chick Hearn was born on November 27, 1916, in Buda, IL.

His interest in broadcasting began when he worked for the Armed Forces Radio, while he was stationed in the Philippines during World War II.

Soon after he was discharged, he began announcing Bradley University basketball games for a radio station in Peoria, IL.

Mr. Hearn's desire to work in radio broadcasting soon led him to Southern California, where he worked for CBS radio announcing University of Southern California football games.

Then, in 1961, Chick Hearn began announcing Lakers' game when the franchise moved from Minnesota to Los Angeles.

His contributions to the game go far beyond giving the fans the play-by-play. Mr. Hearn pioneered basketball phrases, such as ''airball'' and ''slam dunk'' and ''finger role'' which are now well known and often used by Americans who participate or have an interest in basketball.

Perhaps the most distinguished characteristic of Chick Hearn's career is his extraordinary dedication to his work. Beginning on November 21, 1965, Mr. Hearn announced a record 3,338 consecutive games for the Los Angeles Lakers.

This streak ended on December 16, 2001, three days before Mr. Hearn underwent heart surgery. Until his death on August 5, 2002, Hearn had been the only play-by-play announcer the Los Angeles Lakers had ever had.

During his distinguished career of more than 40 years with the Los Angeles Lakers, Mr. Hearn saw the Lakers capture nine NBA titles.

He had the opportunity to watch the careers of basketball stars such as Jerry West, Wilt Chamberlain, Kareem Abdul-Jabbar and Magic Johnson, and he spread his love of basketball to all who listened.

He is a member of the Basketball Hall of Fame and the Sportcasters Hall of Fame.

In honor of Chick Hearn's dedicated service, it is my pleasure to introduce legislation to name the post office at 5805 White Oak Avenue in Encino, CA.

It is my hope that the Senate will approve this legislation, and honor the memory of Chick Hearn.

By Mr. GREGG (for himself, Mr. ENZI, Ms. COLLINS, and Mr. COCHRAN):

S. 2932. A bill to make technical amendments to the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Mr. President, today I am proud to introduce, along with my colleagues Senator ENZI, Senator COLLINS, and Senator COCHRAN, the Higher Education Technical Amendments of 2002. This legislation makes several technical and non-controversial changes to the Higher Education Act, HEA, and is designed to provide relief from burdensome legal requirements, improve the financial aid process, and bring greater clarity to the law.

Most importantly, it provides for a one-year extension of two provisions in the HEA that are of great importance to students, their families, and schools. These provide schools having low student loan default rates with exemptions from the requirement that loan proceeds be disbursed in multiple installments, and the requirement that the disbursement of loan proceeds to first-time undergraduate borrowers be delayed for 30 days after classes start. Under current law, these provisions are set to expire at the end of this month.

Thousands of institutions of higher education across America count on these exemptions to save them time and money in the disbursement of their limited financial aid resources. These provisions also serve as an incentive for schools to keep their default rates low. Additionally, failing to act now means that students needing loan proceeds for books or living expenses could be seriously disadvantaged. At a time when both student and institutional budgets are being squeezed, we should do what we can to provide them with relief.

The bill makes a number of other beneficial changes to the HEA. Most notably, it: Helps protect home-schooled students by making it clear that institutions of higher education will not lose their institutional eligibility for Federal financial aid by admitting home-schooled students. Clarifies the Federal policy on the return of financial aid funds when students withdraw, to better protect students' grant aid. Removes barriers to students seeking forbearance from lenders on student loan payments, by eliminating the requirement that new agreements between lenders and borrowers be in writing. Instead, the bill allows a lender to accept a request for forbearance over the telephone, as long as a confirmation notice of the agreement reached is provided to the borrower and the borrower's file is updated. Makes clear that under the Thurgood Marshall Legal Educational Opportunity Program, the U.S. Department of Education can provide scholarship aid to low-income and minority students to prepare for and attend law school. Eases requirements for Hispanic-Serving Institutions, HSIs, by allowing them to apply for Federal HSI grants without waiting two years between applications. Corrects a drafting error in current law that mistakenly bars students attending certain nonprofit schools of veterinary medicine from eligibility for the Federal Family Education Loan Program. Allows financial aid administrators to use ''professional judgment'' to adjust a student's financial need in cases where the student is a ward of the court. Expands the use of technology to provide voter registration material directly to students in a timely manner.

I am well aware that extending the two provisions set to expire on September 30 for another year will cost $10 million. However, we intend to find the necessary offsets to pay for these extensions as the bill progresses through the Senate. It is my sincere hope that we can all work together in these final weeks of the session to see that this legislation becomes law.

The Higher Education Technical Amendments of 2002 will improve the financial aid process for everyone involved, but most importantly, for our nation's postsecondary students. I urge my colleagues to support this legislation.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 253—RESOLUTION DESIGNATING THE MONTH OF SEPTEMBER 2002 AS ''NATIONAL PROSTATE CANCER AWARENESS MONTH''

Mr. SESSIONS (for himself, Mr. REID, Mr. CRAPO, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. TORRICELLI, Mr. HAGEL, Mrs. LINCOLN, Mr. GRASSLEY, Mr. DORGAN, Mr. SHELBY, Mrs. FEINSTEIN, Mr. HELMS, Ms. CANTWELL, Mr. DEWINE, Mr. MILLER, Mr. INHOFE, Mr. INOUYE, Mr. BROWNBACK, Mr. CORZINE, Mr. CRAIG, Mr. JOHNSON, Mr. ROBERTS, Mr. EDWARDS, Mr. SMITH of Oregon, Mrs. CLINTON, Mr. CAMPBELL, Mr. KERRY, Mr. FITZGERALD, Mr. LIEBERMAN, Mr. ENSIGN, Mr. KENNEDY, Ms. SNOWE, Mr. SARBANES, Mr. HATCH, Mr. BREAUX, Mr. THURMOND, and Mrs. CARNAHAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 325

Whereas over 1,000,000 American families live with prostate cancer;

Whereas 1 American man in 6 will be diagnosed with prostate cancer in his lifetime;

Whereas over the past decade prostate cancer has been the most commonly diagnosed nonskin cancer and the second most common cancer killer of American men;

Whereas 189,000 American men will be diagnosed with prostate cancer and 30,200 American men will die of prostate cancer in 2002, according to American Cancer Society estimates;

Whereas fully ¼ of new cases of prostate cancer occur in men during their prime working years;

Whereas African-Americans have the highest incidence and mortality rates of prostate cancer in the world;

Whereas screening by both digit rectal examination and prostate-specific antigen blood test (PSA) can diagnose the disease in earlier and more treatable stages and has reduced prostate cancer mortality;

Whereas the research pipeline promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating Americans, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting our families: Now, therefore, be it

Resolved,That the Senate—

(1) designates the month of September 2002 as ''National Prostate Cancer Awareness Month'';

(2) declares that the Federal Government has a responsibility—

(A) to raise awareness about the importance of screening methods and treatment of prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the causes of, and improved methods for screening, treating, and curing prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) requests the President to issue a proclamation calling upon the people of the United States, interested groups, and affected persons to promote awareness of prostate cancer, to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy, and to observe the month of September 2002 with appropriate ceremonies and activities.

Mr. SESSIONS. Mr. President, I rise today to submit, along with Senator REID and 36 of our colleagues from both sides of the aisle, a resolution to designate September 2002 as National Prostate Cancer Awareness Month. As a prostate cancer survivor myself, I understand the importance of public awareness and early detection, and I hope that by designating this month as National Prostate Cancer Awareness Month, we can help save lives.

Since the tragic events on September 11, 2001, Americans have continued to honor their heroes of that day with respect, gratitude and, too often, the memory of lives lost. The ''first responders'' protected our safety and well-being, not only in New York and Washington, but also in cities and towns across the country, where police, fire, emergency service, National Guard and the military have been laden with banners and bouquets of thanks, recognition and remembrance. September is also ''Prostate Cancer Awareness Month'', PCAM, a time to remember those who have perished from the disease and to celebrate those who are surviving, and a time to work together to accelerate a cure. Along with The National Prostate Cancer Coalition, NPCC, I look forward to raising awareness in September with commemorations of ''911'' joining the NPCC's special campaign, ''Protecting Our Protectors'' which encourages men in law enforcement, fire service, and current and former servicemen to get screened for prostate cancer.

This resolution is an effort to help increase awareness and educate American men and their families about prostate cancer and early detection, as well as emphasize the need for more prostate cancer research. It will designate September 2002 as National Prostate Cancer Awareness Month. Together, Senator REID and I ask for your support and encourage all of our colleagues to join us in raising awareness. With your help, prostate cancer can be preventable, controllable, and curable.

Today prostate cancer remains the most commonly diagnosed nonskin cancer in America. According to estimates by the American Cancer Society and the National Cancer Institute, NCI, more than 189,000 American men will learn that they have the disease during 2002. Nearly 30,000 American men will lose their lives to prostate cancer this year, making it the second most common cause of cancer death among men. These statistics translate into devastating realities for men and families across this country.

This disease will affect one in six men in the United States during his lifetime. More than 25 percent of those battling this disease are under the age of 65, prime years of productivity for families and for this nation. The number of Americans impacted by cancer, and prostate cancer, is also expected to grow. If unchecked during the next decade, cancer incidence and mortality rates could increase by 25 percent-30 percent. In too many cases, prostate cancer remains undetected until advanced stages of the disease, when conventional therapies no longer work. This makes it critical that all American families understand the risks of prostate cancer and take measures to ensure early detection.

If a man has one close relative with prostate cancer, his risk of the disease is double that of the average male. With two close relatives, his risk is fivefold. Should he have three close relatives with prostate cancer, his likelihood of a prostate cancer diagnosis is nearly 97 percent.

African American families are at particular risk. African American men have the highest incidence and mortality rates in the world. According to the National Prostate Cancer Coalition, we must raise public awareness about the impact of prostate cancer and emphasize early detection with the PSA, prostate specific antigen, blood test and DRE, digital rectal examination. Over the last five years prostate cancer mortalities have decreased by 27 percent. This shows that, with the right investment in education and research, we are already saving lives.

SENATE RESOLUTION 326—DESIGNATING OCTOBER 18, 2002, AS ''NATIONAL MAMMOGRAPHY DAY''

Mr. BIDEN (for himself, Mr. AKAKA, Mr. ALLEN, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CLELAND, Ms. COLLINS, Mr. CRAIG, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FITZGERALD, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WELLSTONE, Mr. WYDEN, and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 326

Whereas according to the American Cancer Society, in 2002, 203,500 women will be diagnosed with breast cancer and 39,600 women will die from this diease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that in nearly 500,000 of those cases, the cancer resulted in death;

Whereas the risk of breast cancer increases with age, with a woman at age 70 years having twice as much of a chance of developing the disease as a woman at age 50 years;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas mammography is an excellent method for early detection of localized breast cancer, which has a 5-year survival rate of more than 97 percent;

Whereas the National Cancer Institute and the American Cancer Society continue to recommend periodic mammograms; and

Whereas the National Breast Cancer Coalition recommends that each woman and her health care provider make an individual decision about mammography: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 18, 2002, as ''National Mammography Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

Mr. BIDEN. Mr. President, today I am submitting a resolution designating October 18, 2002, as ''National Mammography Day''. I am pleased that 54 of my colleagues have endorsed this proposal by agreeing to be original cosponsors. I might note that I have introduced a similar resolution each year

since 1993, and on each occasion the Senate has shown its support for the fight against breast cancer by approving the resolution.

Each year, as I prepare to submit this resolution, I review the latest information from the American Cancer Society about breast cancer. For the year 2002, it is estimated that over 203,000 women will be diagnosed with breast cancer and slightly fewer than 40,000 women will die of this disease.

In past years, I have often commented on how gloomy these statistics were. But as I review how these numbers are changing over time, I have come to the realization that it is really more appropriate to be optimistic. The number of deaths from breast cancer is falling from year to year. Early detection of breast cancer continues to result in extremely favorable outcomes: 97 percent of women with localized breast cancer will survive 5 years or longer. New digital techniques make the process of mammography much more rapid and precise than before. Government programs will provide free mammograms to those who can't afford them, as well as Medicaid eligibility for treatment if breast cancer is diagnosed. Information about treatment of breast cancer with surgery, chemotherapy, and radiation therapy has exploded, reflecting enormous research advances in this disease. So I am feeling quite positive about our battle against breast cancer. A diagnosis of breast cancer is not a death sentence, and I encounter long-term survivors of breast cancer nearly daily.

In recent months, the newspapers have been filled with discussion over whether the scientific evidence actually supports the conclusion that periodic screening mammography saves lives. It seems that much of this controversy relates to new interpretations of old studies, and the relatively few recent studies of this matter have not clarified this issue. Most sources seem to agree that all of the existing scientific studies have some weaknesses, but it is far from clear whether the very large and truly unambiguous study needed to settle this matter definitively can ever be done.

So what is a woman to do? I do not claim any expertise in this highly technical area, so I rely on the experts. The American Cancer Society, the National Cancer Institute, and the U.S. Preventive Services Task Force all continue to recommend periodic screening mammography, and I endorse the statements of these distinguished bodies.

On the other hand, I recognize that some women who examine these research studies are unconvinced of the need for periodic screening mammography. However, even those scientists who do not support periodic mammography for all women believe that it is appropriate for some groups of women with particular risk factors. In agreement with these experts, I encourage all women who have doubts about the usefulness of screening mammography in general to discuss with their individual physicians whether this test is appropriate in their specific situations.

So my message to women is: have a periodic mammogram, or at the very least discuss this option with your own physician.

I know that some women don't have annual mammograms because of either fear or forgetfulness. It is only human nature for some women to avoid mammograms because they are afraid of what they will find. To those who are fearful, I would say that if you have periodic routine mammograms, and the latest one comes out positive, even before you have any symptoms or have found a lump on self-examination, you have reason to be optimistic, not pessimistic. Such early-detected breast cancers are highly treatable.

Then there is forgetfulness. I certainly understand how difficult it is to remember to do something that only comes around once each year. I would suggest that this is where ''National Mammography Day'' comes in. On that day, let's make sure that each woman we know picks a specific date on which to get a mammogram each year, a date that she won't forget: a child's birthday, an anniversary, perhaps even the day her taxes are due. On National Mammography Day, let's ask our loved ones: pick one of these dates, fix it in your mind along with a picture of your child, your wedding, or another symbol of that date, and promise yourself to get a mammogram on that date every year. Do it for yourself and for the others that love you and want you to be part of their lives for as long as possible.

And to those women who are reluctant to have a mammogram, I say let National Mammography Day serve as a reminder to discuss this question each year with your physician. New scientific studies that are published and new mammography techniques that are developed may affect your decision on this matter from one year to the next. I encourage you to keep an open mind and not to feel that a decision at one point in time commits you irrevocably to a particular course of action for the indefinite future.

I urge my colleagues to join me in the ongoing fight against breast cancer by cosponsoring and voting for this resolution to designate October 18, 2002, as National Mammography Day.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4532. Mr. BYRD (for himself and Mr. STEVENS) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R . 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

SA 4533. Mr. HOLLINGS proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes.

SA 4534. Mr. LIEBERMAN (for himself and Mr. GRAHAM) proposed an amendment to amendment SA 4513 proposed by Mr. THOMPSON (for himself and Mr. WARNER) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra.

SA 4535. Mr. THOMAS submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4532 Mr. BYRD (for himself and Mr. STEVENS) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

TITLE___—SUPPLEMENTAL APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

CHAPTER 1

DEPARTMENT OF AGRICULTURE

Office of the Secretary

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for 'Office of the Secretary', $18,000,000 to remain available until expended: Provided, That the Secretary shall transfer these funds to the Agricultural Research Service, the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, and/or the Food Safety and Inspection Service; Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 2

DEPARTMENT OF JUSTICE

Office of Justice Programs

COMMUNITY ORIENTED POLICING SERVICES

For an amount to establish the Community Oriented Policing Services, Interoperable Communications Technology Program in consultation with the Office of Science and Technology within the National Institute of Justice, and the Bureau of Justice Assistance, for emergency expenses for activities related to combating terrorism by providing grants to States and localities to improve communications within, and among, law enforcement agencies, $50,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF STATE

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for 'Embassy Security, Construction, and Maintenance' for emergency expenses for activities related to combating international terrorism, $10,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

DISTRICT OF COLUMBIA

FEDERAL FUNDS

Federal Payment to the District of Columbia

For a Federal payment to the District of Columbia for public safety expenses related to security events in the District of Columbia, $12,000,000, to remain available until December 1, 2003: Provided, That the Chief Financial Officer of the District of Columbia shall provide a report, within 15 days of an expenditure, to the Committees on Appropriations of the House of Representatives and Senate, detailing any expenditure of these funds: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 4

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

Science

For an additional amount for 'Science' for emergency expenses necessary to support safeguards and security activities, $11,350,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ATOMIC ENERGY DEFENSE ACTIVITIES

National Nuclear Security Administration

WEAPONS ACTIVITIES

For an additional amount for 'Weapons Activities' for emergency expenses, $138,650,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 5

BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for 'Child Survival and Health Programs Fund' for emergency expenses for activities related to combating HIV/AIDS, tuberculosis, and malaria, $200,000,000, to remain available until June 30, 2003: Provided, That such activities should include maternal health and related assistance in communities heavily impacted by HIV/AIDS: Provided further, That additional assistance should be provided to prevent transmission of HIV/AIDS from mother to child: Provided further, That of the funds appropriated under this heading in this Act, not less than $100,000,000 should be made available for a further United States contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria: Provided further, That the cumulative amount of United States contributions to the Global Fund may not exceed the total resources provided by other donors and available for use by the Global Fund as of December 31, 2002: Provided further, That of the funds appropriated under this heading, up to $6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading 'Operating Expenses of the United States Agency for International Development' for costs directly related to international health: Provided further, That funds appropriated by this paragraph shall be apportioned to the United States Agency for International Development, and the authority of sections 632(a) or 632(b) of the Foreign Assistance Act of 1961, or any similar provision of law, may not be used to transfer or allocate any part of such funds to any agency of the United States Government: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the funds appropriated under this heading shall be subject to the regular notification procedures of the Committee on Appropriations.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

National Park Service

CONSTRUCTION

For an additional amount for 'Construction', $17,651,000, to remain available until expended: Provided That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for 'Public Health and Social Services Emergency Fund' for baseline and follow-up screening and clinical examinations, long-term health monitoring and analysis for the emergency services personnel, rescue and recovery personnel, $90,000,000, to remain available until expended, of which no less than $25,000,000 shall be available for current and retired firefighters: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

GRANTS-IN-AIR FOR AIRPORTS

(AIRPORTS AND AIRWAY TRUST FUND)

For an additional amount to enable the Federal Aviation Administrator to compensate airports for the direct costs associated with new, additional, or revised security requirements imposed on airport operators by the Administrator on or after September 11, 2001, notwithstanding any other provision of law, $150,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 9

DEPARTMENT OF THE TREASURY

United States Customs Service

SALARIES AND EXPENSES

For an additional amount for 'Salaries and Expenses' $39,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 10

INDEPENDENT AGENCY

Federal Emergency Management Agency

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for 'Emergency management planning and assistance' for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $200,000,000, to remain available until September 30, 2003, of which $150,000,000 is for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.); and $50,000,000 for interoperable communications equipment: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 4533. Mr. HOLLINGS proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows:

At the end of subtitle D of title I, add the following;

SEC. 173. MODIFICATION OF MEMBERSHIP AND ADVISORS OF NATIONAL SECURITY COUNCIL.

(a) MEMBERS.—Subsection (a) of section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended—

(1) in the fourth undesignated paragraph, by redesignating clauses (1) through (6) as subparagraphs (A) through (G), respectively;

(2) by designating the undesignated paragraphs as paragraphs (1) through (4), respectively; and

(3) in paragraph (4), as so designated—

(A) by striking subparagraphs (E) and (F) and inserting the following new subparagraphs:

''(E) the Attorney General;

''(F) the Secretary of Homeland Security; and''; and

(B) in subparagraph (G), as so redesignated, by striking ''the Chairman of the Munitions Board,'' and all that follows and inserting ''to serve at the pleasure of the President.''.

(b) ADVISORS.—That section is further amended—

(1) by redesignating subsections (g) through (j) and subsection (i), as added by section 301 of the International Religious Freedom Act of 1998 (Public Law 105–292; 112 Stat. 2800), as subsections (i) through (m), respectively;

(2) by transferring subsection (l) (relating to the participation of the Director of Central Intelligence on the National Security Council), as so redesignated, to appear after subsection (f) and redesignating such subsection, as so transferred, as subsection (g); and

(3) by inserting after subsection (g), as so transferred and redesignated, the following new subsections:

''(h) The Director of the Federal Bureau of Investigation may, in the performance of the Director's duties as the head of the Federal Bureau of Investigation and subject to the direction of the President, attend and participate in meetings of the National Security Council.''

SA 4534. Mr. LIEBERMAN (for himself and Mr. GRAHAM) proposed an amendment to amendment SA 4513 proposed by Mr. THOMPSON (for himself and Mr. WARNER) to the amendment SA 4471 proposed by Mr. LIEBERMAN to

the bill H.R. 5005. to establish the Department of Homeland Security, and for other purposes; as follows:

On page 2, line 4, insert after the period the following:

TITLE II—NATIONAL OFFICE FOR COMBATING TERRORISM

SEC. 201. NATIONAL OFFICE FOR COMBATING TERRORISM.

(a) ESTABLISHMENT.—There is established within the Executive Office of the President the National Office for Combating Terrorism.

(b) OFFICERS.—

(1) DIRECTOR.—The head of the Office shall be the Director of the National Office for Combating Terrorism, who shall be appointed by the President.

(2) EXECUTIVE SCHEDULE LEVEL I POSITION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

''Director of the National Office for Combating Terrorism.''.

(3) OTHER OFFICERS.—The President shall assign to the Office such other officers as the President, in consultation with the Director, considers appropriate to discharge the responsibilities of the Office.

(c) RESPONSIBILITIES.—Subject to the direction and control of the President, the responsibilities of the Office shall include the following:

(1) To develop national objectives and policies for combating terrorism.

(2) To ensure that relevant agencies and entities conduct appropriate risk analysis and risk management activities and provide pertinent information derived such activities to the Office, and to review and integrate such information into the development of the Strategy.

(3) To develop, with the Secretary of Homeland Security, the Strategy under title III.

(4) To coordinate, oversee, and evaluate the implementation and execution of the Strategy by agencies with responsibilities for combating terrorism under the Strategy, particularly those involving military, intelligence, law enforcement, diplomatic, and scientific and technological assets.

(5) To work with agencies, including the Environmental Protection Agency, to ensure that appropriate actions are taken to address vulnerabilities identified by the Directorate of Critical Infrastructure Protection within the Department.

(6)(A) To coordinate, with the advice of the Secretary, the development of a comprehensive annual budget for the programs and activities under the Strategy, including the budgets of the military departments and agencies within the National Foreign Intelligence Program relating to international terrorism, but excluding military programs, projects, or activities relating to force protection.

(B) To have the lead responsibility for budget recommendations relating to military, intelligence, law enforcement, and diplomatic assets in support of the Strategy.

(7) To serve as an advisor to the National Security Council.

(8) To work with the Director of the Federal Bureau of Investigation to ensure that—

(A) the Director of the National Office for Combating Terrorism receives the relevant information from the Federal Bureau of Investigation related to terrorism; and

(B) such information is made available to the appropriate agencies and to State and local law enforcement officials.

(d) RESOURCES.—In consultation with the Director, the President shall assign or allocate to the Office such resources, including funds, personnel, and other resources, as the President considers appropriate and that are available to the President under appropriations Acts for fiscal year 2002 and fiscal year 2003 in the ''Office of Administration'' appropriations account or the ''Office of Homeland Security'' appropriations account. Any transfer or reprogramming of funds made under this section shall be subject to the reprogramming procedures in the Treasury and General Government Appropriations Act, 2002 (Public Law 107–67).

SEC. 202. DIRECTOR AND OFFICE.

(a) DEFINITIONS.—Unless the context clearly indicates otherwise, the following shall apply for purposes of this division:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Office for Combating Terrorism.

(2) OFFICE.—The term ''Office'' means the National Office for Combating Terrorism established under this title.

(b) DIRECTOR.—The Director shall—

(1) develop the strategy with the Secretary under section 102(b)(3); and

(2) carry out the functions under section 192(d)(1) and (2) with the Secretary.

(c) OFFICE.—

(1) RESEARCH AND DEVELOPMENT AGENDA.—The Under Secretary for Science and Technology shall coordinate with the Office, the OSTP, and other appropriate entities under section 135(c)(2)(A).

(2) TRANSFERS.—Section 189(a) shall apply with respect to transfers to the Office.

(3) GIFTS.—Section 189(f) shall apply with respect to gifts to the Office.

(4) DEFINITIONS.—The definitions developed under section 192(d)(1) shall be considered in determining the mission of the Office.

(5) OFFICE OF SCIENCE AND TECHNOLOGY POLICY.—Section 208(a)(1) of the National Science and Technology Policy, Organization, and Priorities Act (42 U.S.C. 6617(a)(1)) is amended by inserting ''the National Office for Combating Terrorism,'' after ''National Security Council,''.

TITLE III—NATIONAL STRATEGY FOR COMBATING TERRORISM AND THE HOMELAND SECURITY RESPONSE

SEC. 301. STRATEGY.

(a) DEVELOPMENT.—The Secretary and the Director shall develop the National Strategy for Combating Terrorism and Homeland Security Response for detection, prevention, protection, response, and recovery to counter terrorist threats, including threat, vulnerability, and risk assessment and analysis, and the plans, policies, training, exercises, evaluation, and interagency cooperation that address each such action relating to such threats.

(b) RESPONSIBILITIES.—

(1) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall have responsibility for portions of the Strategy addressing border security, critical infrastructure protection, emergency preparation and response, and integrating State and local efforts with activities of the Federal Government.

(2) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall have overall responsibility for development of the Strategy, and particularly for those portions of the Strategy addressing intelligence, military assets, law enforcement, and diplomacy.

(c) CONTENTS.—The contents of the Strategy shall include—

(1) a comprehensive statement of mission, goals, objectives, desired end-state, priorities and responsibilities;

(2) policies and procedures to maximize the collection, translation, analysis, exploitation, and dissemination of information relating to combating terrorism and the homeland security response throughout the Federal Government and with State and local authorities;

(3) plans for countering chemical, biological, radiological, nuclear and explosives, and cyber threats;

(4) plans for integrating the capabilities and assets of the United States military into all aspects of the Strategy;

(5) plans for improving the resources of, coordination among, and effectiveness of health and medical sectors for detecting and responding to terrorist attacks on the homeland;

(6) specific measures to enhance cooperative efforts between the public and private sectors in protecting against terrorist attacks;

(7) a review of measures needed to enhance transportation security with respect to potential terrorist attacks;

(8) plans for identifying, prioritizing, and meeting research and development objectives to support homeland security needs; and

(9) other critical areas.

(d) COOPERATION.—At the request of the Secretary or Director, departments and agencies shall provide necessary information or planning documents relating to the Strategy.

(e) INTERAGENCY COUNCIL.—

(1) ESTABLISHMENT.—There is established the National Combating Terrorism and Homeland Security Response Council to assist with preparation and implementation of the Strategy.

(2) MEMBERSHIP.—The members of the Council shall be the heads of the Federal terrorism prevention and response agencies or their designees. The Secretary and Director shall designate such agencies.

(3) CO-CHAIRS AND MEETINGS.—The Secretary and Director shall co-chair the Council, which shall meet at their direction.

(f) SUBMISSION TO CONGRESS.—Not later than December 1, 2003, and each year thereafter in which a President is inaugurated, the Secretary and the Director shall submit the Strategy to Congress.

(g) UPDATING.—Not later than December 1, 2005, and on December 1, of every 2 years thereafter, the Secretary and the Director shall submit to Congress an updated version of the Strategy.

(h) PROGRESS REPORTS.—Not later than December 1, 2004, and on December 1, of each year thereafter, the Secretary and the Director may submit to Congress a report that—

(1) describes the progress on implementation of the Strategy; and

(2) provides recommendations for improvement of the Strategy and the implementation of the Strategy.

SEC. 302. MANAGEMENT GUIDANCE FOR STRATEGY IMPLEMENTATION.

(a) IN GENERAL.—In consultation with the Director and the Secretary, the Director of the Office of Management and Budget shall provide management guidance for agencies to successfully implement and execute the Strategy.

(b) OFFICE OF MANAGEMENT AND BUDGET REPORT.—Not later than 180 days after the date of the submission of the Strategy referred to under section 301, the Director of the Office of Management and Budget shall—

(1) submit to Congress a report describing agency progress under subsection (a); and

(2) provide a copy of the report to the Comptroller General of the United States.

(c) GENERAL ACCOUNTING OFFICE REPORT.—Not later than 90 days after the receipt of the report required under subsection (b), the Comptroller General of the United States shall submit a report to the Governmental Affairs Committee of the Senate, the Government Reform Committee of the House of Representatives, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives, evaluating—

(1) the management guidance identified under subsection (a); and

(2) Federal agency performance in implementing and executing the Strategy.

SEC. 303. NATIONAL COMBATING TERRORISM STRATEGY PANEL.

(a) ESTABLISHMENT.—The Secretary and the Director shall establish a nonpartisan, independent panel to be known as the National Combating Terrorism Strategy Panel (in this section referred to as the ''Panel'').

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Panel shall be composed of a chairperson and 8 other individuals appointed by the Secretary and the Director, in consultation with the chairman and ranking member of the Committee on Governmental Affairs of the Senate and the chairman and ranking member of the Committee on Government Reform of the House of Representatives, from among individuals in the private sector who are recognized experts in matters relating to combating terrorism and the homeland security of the United States.

(2) TERMS.—

(A) IN GENERAL.—An individual shall be appointed to the Panel for an 18-month term.

(B) TERM PERIODS.—Terms on the Panel shall not be continuous. All terms shall be for the 18-month period which begins 12 months before each date a report is required to be submitted under subsection (l)(2)(A).

(C) MULTIPLE TERMS.—An individual may serve more than 1 term.

(c) DUTIES.—The Panel shall—

(1) conduct and submit to the Secretary the assessment of the Strategy; and

(2) conduct the independent, alternative assessment of homeland security measures required under this section.

(d) ALTERNATIVE ASSESSMENT.—The Panel shall submit to the Secretary an independent assessment of the optimal policies and programs to combat terrorism, including homeland security measures. As part of the assessment, the Panel shall, to the extent practicable, estimate the funding required by fiscal year to achieve these optimal approaches.

(e) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), the Panel may secure directly from any agency such information as the Panel considers necessary to carry out this section. Upon request of the Chairperson, the head of such department or agency shall furnish such information to the Panel.

(2) INTELLIGENCE INFORMATION.—The provision of information under this paragraph related to intelligence shall be provided in accordance with procedures established by the Director of Central Intelligence and in accordance with section 103(d)(3) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(3)).

(f) COMPENSATION OF MEMBERS.—Each member of the Panel shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Panel.

(g) TRAVEL EXPENSES.—The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

(h) STAFF.—

(1) IN GENERAL.—The Chairperson of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Panel to perform its duties. The employment of an executive director shall be subject to confirmation by the Panel.

(2) COMPENSATION.—The Chairperson of the Panel may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Panel who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF PANEL.—Subparagraph (A) shall not be construed to apply to members of the Panel.

(4) REDUCTION OF STAFF.—During periods that members are not serving terms on the Panel, the executive director shall reduce the number and hours of employees to the minimum necessary to—

(A) provide effective continuity of the Panel; and

(B) minimize personnel costs of the Panel.

(i) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(j) ADMINISTRATIVE PROVISIONS.—

(1) USE OF MAIL AND PRINTING.—The Panel may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other agencies.

(2) SUPPORT SERVICES.—The Secretary shall furnish the Panel any administrative and support services requested by the Panel.

(3) GIFTS.—The Panel may accept, use, and dispose of gifts or donations of services or property.

(k) PAYMENT OF PANEL EXPENSES.—The compensation, travel expenses, and per diem allowances of members and employees of the Panel shall be paid out of funds available to the Department for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

(l) REPORTS.—

(1) PRELIMINARY REPORT.—

(A) REPORT TO SECRETARY.—Not later than July 1, 2004, the Panel shall submit to the Secretary and the Director a preliminary report setting forth the activities and the findings and recommendations of the Panel under subsection (d), including any recommendations for legislation that the Panel considers appropriate.

(B) REPORT TO CONGRESS.—Not later than 30 days after the submission of the report under subparagraph (A), the Secretary and the Director shall submit to the committees referred to under subsection (b), and the Committees on Appropriations of the Senate and the House of Representatives, a copy of that report with the comments of the Secretary on the report.

(2) QUADRENNIAL REPORTS.—

(A) REPORTS TO SECRETARY.—Not later than December 1, 2004, and not later than December 1 every 4 years thereafter, the Panel shall submit to the Secretary and the Director a report setting forth the activities and the findings and recommendations of the Panel under subsection (d), including any recommendations for legislation that the Panel considers appropriate.

(B) REPORTS TO CONGRESS.—Not later than 60 days after each report is submitted under subparagraph (A), the Secretary shall submit to the committees referred to under subsection (b), and the Committees on Appropriations of the Senate and the House of Representatives, a copy of the report with the comments of the Secretary and the Director on the report.

SA 4535. Mr. THOMAS submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 166, between lines 6 and 7, insert the following:

SEC. 195A. USE OF COMMERCIAL GOODS AND SERVICES.

(a) POLICY.—It has been and continues to be the policy of the United States that, in the process of governing, the United States—

(1) should not compete with its citizens; and

(2) should rely on commercial sources to supply the goods and services needed by the United States Government.

(b) REQUIREMENT.—The Secretary of Homeland Security shall rely on commercial sources to supply the goods and services needed by the Department of Homeland Security.

(c) EXCEPTIONS.—Subsection (b) does not apply to the performance of the following functions:

(1) A function that is inherently governmental in nature in that—

(A) the performance of such function is so intimately related to the public interest that it must be performed only by United States Government personnel; and

(B) the performance of such function by United States Government personnel does not compete with commercial enterprises in the private sector.

(2) A function that, by law or in the interests of national security, must be performed by United States Government personnel.

(d) RELATIONSHIP TO OTHER LAW.—The Secretary of Homeland Security shall administer this section in a manner that is consistent with the policies and laws that are generally applicable to procurements of goods and services by the United States Government.

NOTICE OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 19, 2002, at 2:15 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 2623, to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, and for other purposes;

S. 2640 and H.R. 3421, to provide for adequate school facilities in Yosemite National Park, and for other purposes;

S. 2776, to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes;

S. 2788, to revise the boundary of the Wind Cave National Park in the State of South Dakota;

S. 2880, to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes;

H.R. 3786, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona; and

H.R. 3858, to modify the boundaries of the New River Gorge National River, West Virginia.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact David Brooks of the Committee staff at (202) 224–9863.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, September 12, 2002, at 2:00 p.m., to conduct a hearing and mark-up for the nomination of Wayne A. Abernathy, of Virginia, to be Assistant Secretary of the Treasury for Financial Institutions; a mark-up of S. 2239, the FHA Downpayment Simplification Act of 2002; and a mark-up of S. 1210, Reauthorizing the Native American Housing and Self-Determination Act of 1996.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, September 12, 2002, to consider favorably reporting H.R. 5063, the Armed Forces Tax Fairness Act of 2002.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 12, 2002 at 10:15 a.m. to hold a hearing on the World Bank's International Development Association.

Agenda

Witnesses

Panel 1: The Honorable John Taylor, Under Secretary for International Affairs, Department of Treasury, Washington, DC.

Panel 2: Witnesses to be announced.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 12, 2002 at 2:30 p.m. to hold a hearing on the Moscow Treaty.

AGENDA

Witnesses

Panel 1: The Honorable William J. Perry, Berberian Professor and Senior Fellow, Institute for International Studies, Stanford University, Stanford, CA;

The Honorable Fred C. Iklé, Distinguished Scholar, Center for Strategic and International Studies, Washington, DC.

Panel 2: The Honorable Rose Gottemoeller, Senior Associate, Russian and Eurasian and Global Policy Programs, Carnegie Endowment for International Peace, Washington, DC;

Ambassador James E. Goodby, Nonresident Senior Fellow, Foreign Policy Studies, The Brookings Institution, Washington, DC;

Dr. John P. Holdren, Teresa and John Heinz Professor of Environmental Policy and Director Science, Technology, and Public Policy Program, Belfer Center for Science and International Affairs, John F. Kennedy School of Government, Harvard University, Cambridge, MA;

Mr. Henry D. Sokolski, Executive Director, Nonproliferation Policy Education Center, Washington, DC.

Additional witnesses to be announced.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''One Year Later: Restoring Economic Security for Workers and the Nation,'' during the session of the Senate on Thursday, September 12, 2002, at 10 a.m., in SD–106.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, September 12, 2002, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct an oversight hearing on successful strategies for Indian reservation development and the lessons that can be learned from developing country and other Indian tribal economies.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 12, 2002, at 10 a.m. and 2:30 p.m., to hold a joint closed hearing with the House Permanent Select Committee on Intelligence regarding the joint inquiry into the events of September 11, 2001.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space be authorized to meet on Thursday, September 12, 2002, at 2:30 p.m. on S. 2537/H.R. 3833, DOT Kids Implementation and Efficiency Act.

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Elmer Ransom, a fellow on the Finance Committee staff, be granted the privilege of the floor during the Senate's proceedings today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THOMPSON. Mr. President, I ask unanimous consent that Thomas Swanton, a staff member of Mr. SPECTER's office, be granted floor privileges for the duration of the debate on H.R. 5005, the homeland security bill.

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

Mr. THOMPSON. Mr. President, I ask unanimous consent that a fellow in Senator BROWNBACK's staff, Jay Wolff, be permitted privileges of the floor during the homeland security bill.

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

Mr. THOMPSON. Mr. President, I ask unanimous consent to extend floor privileges to Wan Kim and Michael Volkov, who are both on detail to the minority staff of the Judiciary Committee, during the course of any debate on H.R. 5005, the homeland security bill.

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

Mr. JEFFORDS. Madam President, I ask unanimous consent that Jan Rasgus, a congressional fellow in my office, be granted floor privileges for the remainder of today's session.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 5093

Mr. REID. I ask unanimous consent that on Friday, September 13, once the Senate resumes consideration of H.R. 5093, the Department of the Interior appropriations bill, and the Dodd amendment No. 4522, the time until 10:15 be

for debate prior to the vote in relation to the amendment, with no second-degree amendment in order prior to a vote in relation to the amendment, with the time equally divided and controlled as follows: Senator DODD controlling time in support of the amendment, and the time in opposition controlled equally between Senators INOUYE and CAMPBELL; that at 10:15 a.m., without further intervening action or debate, the Senate proceed to vote in relation to the amendment; that if the amendment is not tabled, it remain debatable and amendable.

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

DNA SEXUAL ASSAULT JUSTICE ACT OF 2002

Mr. REID. I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 501, S. 2513.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2513) to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Delete the part printed in black brackets and insert the part printed in italic.]

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''DNA Sexual Assault Justice Act of 2002''.

[SEC. 2. ASSESSMENT ON BACKLOG IN DNA ANALYSIS OF SAMPLES.

[(a) ASSESSMENT.—

[(1) IN GENERAL.—The Attorney General shall survey each law enforcement jurisdiction to assess the backlog of DNA testing of rape kit samples and other sexual assault evidence.

[(2) DETERMINATIONS.—The Attorney General, acting through the Director of the National Institute of Justice, shall carry out an assessment of Federal, State, local, and tribal territories law enforcement jurisdictions to determine the amount of—

[(A) evidence contained in rape kits that has not been subjected to DNA testing and analysis; and

[(B) evidence from sexual assault crimes that has not been subjected to DNA testing and analysis.

[(b) REPORT.—

[(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the assessment carried out under subsection (a).

[(2) CONTENTS.—The report submitted under paragraph (1) shall include—

[(A) the results of the assessment carried out under subsection (a);

[(B) the number of rape kit samples and other evidence from sexual assault crimes that have not been subjected to DNA testing and analysis; and

[(C) a plan for carrying out additional assessments and reports to continue until all law enforcement jurisdictions report no backlog in crime scene DNA testing and analysis.

[(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

[SEC. 3. GRANTS FOR ANALYSIS OF DNA SAMPLES FROM RAPE KITS.

[Section 2(a) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)) is amended—

[(1) in paragraph (2), by inserting ''including samples from rape kits and nonsuspect cases'' after ''crime scene''; and

[(2) by adding at the end the following:

[''(4) To ensure that DNA testing and analysis of samples from rape kits and nonsuspect cases are carried out in a timely manner.''.

[SEC. 4. INCREASED GRANTS FOR DNA ANALYSIS.

[Section 2(j) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(j)) is amended—

[(1) in paragraph (1)—

[(A) in subparagraph (B), by striking ''and'' at the end; and

[(B) by striking subparagraph (C) and inserting the following:

[''(C) $25,000,000 for fiscal year 2003;

[''(D) $25,000,000 for fiscal year 2004;

[''(E) $25,000,000 for fiscal year 2005; and

[''(F) $25,000,000 for fiscal year 2006.''; and

[(2) in paragraph (2), by striking subparagraphs (C) and (D) and inserting the following:

[''(C) $100,000,000 for fiscal year 2003;

[''(D) $100,000,000 for fiscal year 2004;

[''(E) $50,000,000 for fiscal year 2005; and

[''(F) $50,000,000 for fiscal year 2006.''.

[SEC. 5. AUTHORITY OF LOCAL GOVERNMENTS TO APPLY FOR AND RECEIVE DNA BACKLOG ELIMINATION GRANTS.

[Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

[(1) in subsection (a), by inserting ''or eligible units of local government'' after ''eligible States'';

[(2) in subsection (b)—

[(A) in the matter preceding paragraph (1), by inserting ''or unit of local government'' after ''State'' each place that term appears;

[(B) in paragraph (1), by inserting ''or unit of local government'' after ''State'';

[(C) in paragraph (3), by inserting ''or unit of local government'' after ''State'' the first time that term appears;

[(D) in paragraph (4)—

[(i) by inserting ''or unit of local government'' after ''State''; and

[(ii) by striking ''and'' after the semicolon;

[(E) in paragraph (5)—

[(i) by inserting ''or unit of local government'' after ''State''; and

[(ii) by striking the final period and inserting ''; and''; and

[(F) by adding at the end the following:

[''(6) if the applicant is a unit of local government, certify that the applicant participates in a State laboratory system.'';

[(3) in subsection (c), by inserting ''or unit of local government'' after ''State'';

[(4) in subsection (d)(2)(A), by inserting ''or units of local government'' after ''States'';

[(5) in subsection (e)—

[(A) in paragraph (1), by inserting ''or local government'' after ''State'' each place that term appears; and

[(B) in paragraph (2), by inserting ''or unit of local government'' after ''State'';

[(6) in subsection (f), by inserting ''or unit of local government'' after ''State'';

[(7) in subsection (g)—

[(A) in paragraph (1), by inserting ''or unit of local government'' after ''State''; and

[(B) in paragraph (2), by inserting ''or units of local government'' after ''States''; and

[(8) in subsection (h), by inserting ''or unit of local government'' after ''State'' each place that term appears.

[SEC. 6. IMPROVING ELIGIBILITY CRITERIA FOR BACKLOG GRANTS.

[Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

[(1) in subsection (b)—

[(A) in paragraph (5), by striking the period at the end and inserting: ''; and''; and

[(B) by adding at the end the following:

[''(6) ensure that each laboratory performing DNA testing or analysis satisfies the quality assurance protocols and practices described in subsection (d)(2).''; and

[(2) by adding at the end the following:

[''(k) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to a State or unit of local government that has a significant rape kit or nonsuspect case backlog as compared to other applicants.''.

[SEC. 7. AUTHORIZATION FOR GRANTS FOR IMPROVED RESPONSES TO AND INVESTIGATION OF SEXUAL ASSAULT CASES.

[(a) AUTHORIZATION OF GRANTS.—The Attorney General shall make grants to eligible entities to—

[(1) carry out sexual assault examiner training and certification;

[(2) develop sexual assault examiner programs;

[(3) acquire or improve forensic equipment;

[(4) train law enforcement personnel in the handling of sexual assault cases and the collection and use of DNA samples for use as forensic evidence; and

[(5) train law enforcement personnel to recognize, detect, report, and respond to drug-facilitated sexual assaults.

[(b) ELIGIBLE ENTITY.—For purposes of this section, the term ''eligible entity'' means—

[(1) a State;

[(2) a unit of local government;

[(3) a college, university, or other institute of higher learning;

[(4) sexual assault examination programs, including sexual assault forensic examiner (SAFE) programs, sexual assault nurse examiner (SANE) programs, and sexual assault response team (SART) programs; and

[(5) a State sexual assault coalition.

[(c) APPLICATION.—To receive a grant under this section—

[(1) the chief executive officer of a State, unit of local government, or university that desires a grant under this section shall submit to the Attorney General—

[(A) an application in such form and containing such information as the Attorney General may require;

[(B) certification that the testing will be done in a laboratory that complies with the quality assurance and proficiency testing standards for collecting and processing DNA samples issued by the Director of the Federal Bureau of Investigation under section 210303 of the DNA Identification Act of 1994 (42 U.S.C. 14131);

[(C) notice that the applicant is aware of, and utilizing, uniform protocols and standards issued by the Department of Justice on the collection and processing of DNA evidence at crime scenes; and

[(D) if the applicant is a unit of local government, certification that the applicant participates in a State laboratory system; and

[(2) an existing or proposed sexual assault examination program shall submit to the Attorney General—

[(A) an application in such form and containing such information as the Attorney General may require;

[(B) certification that the program complies with the standards and recommended

protocol developed by the Attorney General pursuant to section 1405 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg note); and

[(C) notice that the applicant is aware of, and utilizing, uniform protocols and standards issued by the Department of Justice on the collection and processing of DNA evidence at crime scenes.

[(d) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to proposed or existing sexual assault examination programs that are serving, or will serve, populations currently underserved by existing sexual assault examination programs.

[(e) RESTRICTIONS ON USE OF FUNDS.—

[(1) SUPPLEMENTAL FUNDS.—Funds made available under this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources for the purposes of this section.

[(2) ADMINISTRATIVE COSTS.—An eligible entity may not use more than 3 percent of the funds it receives under this section for administrative expenses.

[(3) NONEXCLUSIVITY.—Nothing in this section shall be construed to limit or restrict the ability of proposed or existing sexual assault examination programs to apply for and obtain Federal funding from any other agency or department or any other Federal Grant program.

[(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice $15,000,000 for each of fiscal years 2003 through 2006 to carry out this section.

[SEC. 8. AUTHORIZING JOHN DOE DNA INDICTMENTS.

[(a) LIMITATIONS.—Section 3282 of title 18, United States Code, is amended—

[(1) by striking ''Except'' and inserting the following:

[''(a) LIMITATION.—Except''; and

[(2) by adding at the end the following:

[''(b) DNA PROFILE INDICTMENT.—

[''(1) IN GENERAL.—In any indictment found for an offense under chapter 109A, if the identity of the accused is unknown, it shall be sufficient to describe the accused as an individual whose name is unknown, but who has a particular DNA profile.

[''(2) EXCEPTION.—Any indictment described in paragraph (1), which is found within 5 years after the offense under chapter 109A shall have been committed, shall not be subject to—

[''(A) the limitations period described in subsection (a); and

[''(B) the provisions of chapter 208 until the individual is arrested or served with a summons in connection with the charges contained in the indictment.

[''(3) DEFINITION.—For purposes of this subsection, the term 'DNA profile' means a set of DNA identification characteristics.''.

[(b) PRIVACY PROTECTION STANDARD.—Section 10(a) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135e(a)) is amended by inserting before the period at the end the following: ''or in section 3282(b) of title 18, United States Code''.

[(c) RULES OF CRIMINAL PROCEDURE.—Rule 7 of the Federal Rules of Criminal Procedure is amended in subdivision (c)(1) by adding at the end the following: ''For purposes of an indictment referred to in section 3282 of title 18, United States Code, if the identity of the defendant is unknown, it shall be sufficient to describe the defendant, in the indictment, as an individual whose name is unknown, but who has a particular DNA profile, as defined in that section 3282.''.

[SEC. 9. INCREASED GRANTS FOR COMBINED DNA INDEX (CODIS) SYSTEM.

[Section 210306 of the DNA Identification Act of 1994 (42 U.S.C. 14134) is amended—

[(1) by striking ''There'' and inserting the following:

[''(a) IN GENERAL.—There''; and

[(2) by adding at the end the following:

[''(b) INCREASED GRANTS FOR CODIS.—There is authorized to be appropriated to the Federal Bureau of Investigation to carry out a redesign of the Combined DNA Index System (CODIS) $9,646,000 for fiscal year 2003.''.

[SEC. 10. INCREASED GRANTS FOR FEDERAL CONVICTED OFFENDER PROGRAM (FCOP).

[Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended by adding at the end the following:

[''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Federal Bureau of Investigation to carry out this section $497,000 for fiscal year 2003.''.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''DNA Sexual Assault Justice Act of 2002''.

SEC. 2. ASSESSMENT OF BACKLOG IN DNA ANALYSIS OF SAMPLES.

(a) ASSESSMENT.—The Attorney General, acting through the Director of the National Institute of Justice, shall survey Federal, State, local, and tribal law enforcement jurisdictions to assess the amount of DNA evidence contained in rape kits and in other evidence from sexual assault crimes that has not been subjected to testing and analysis.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the assessment carried out under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) the results of the assessment carried out under subsection (a);

(B) the number of rape kit samples and other evidence from sexual assault crimes that have not been subjected to DNA testing and analysis; and

(C) a plan for carrying out additional assessments and reports on the backlog in crime scene DNA testing and analysis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Justice to carry out this section $500,000 for fiscal year 2003.

SEC. 3. THE DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

*(1) by striking the heading and inserting ''**AUTHORIZATION OF DEBBIE SMITH DNA BACKLOG GRANTS.**''; and*

(2) in subsection (a)—

(A) in paragraph (2), by inserting ''including samples from rape kits and samples from other sexual assault evidence, including samples taken in cases with no identified suspect'' after ''crime scene''; and

(B) by adding at the end the following:

''(4) To ensure that DNA testing and analysis of samples from rape kits and nonsuspect cases are carried out in a timely manner.''.

SEC. 4. INCREASED GRANTS FOR ANALYSIS OF DNA SAMPLES FROM CONVICTED OFFENDERS AND CRIME SCENES.

Section 2(j) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(j)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''and'' at the end; and

(B) by striking subparagraph (C) and inserting the following:

''(C) $15,000,000 for fiscal year 2003;

''(D) $15,000,000 for fiscal year 2004;

''(E) $15,000,000 for fiscal year 2005;

''(F) $15,000,000 for fiscal year 2006; and

''(G) $15,000,000 for fiscal year 2007.

Amounts made available to carry out the purposes specified in subsection (a)(1) shall remain available until expended.''; and

(2) in paragraph (2), by striking subparagraphs (C) and (D) and inserting the following:

''(C) $75,000,000 for fiscal year 2003;

''(D) $75,000,000 for fiscal year 2004;

''(E) $75,000,000 for fiscal year 2005;

''(F) $75,000,000 for fiscal year 2006; and

''(G) $25,000,000 for fiscal year 2007.

Amounts made available to carry out the purposes specified in paragraphs (2) and (3) of subsection (a) shall remain available until expended.''.

SEC. 5. AUTHORITY OF LOCAL GOVERNMENTS TO APPLY FOR AND RECEIVE DNA BACKLOG ELIMINATION GRANTS.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (a)—

(A) in the matter preceeding paragraph (1)—

(i) by inserting '', units of local government, or Indian tribes'' after ''eligible States''; and

(ii) by inserting '', unit of local government, or Indian tribe'' after ''State''; and

(B) in paragraph (3), by striking ''or by units of local government'' and inserting '', units of local government, or Indian tribes'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ''or unit of local government, or the head of the Indian tribe'' after ''State'' each place that term appears;

(B) in paragraph (1), by inserting '', unit of local government, or Indian tribe'' after ''State'';

(C) in paragraph (3), by inserting '', unit of local government, or Indian tribe'' after ''State'' the first time that term appears;

(D) in paragraph (4), by inserting '', unit of local government, or Indian tribe'' after ''State''; and

(E) in paragraph (5), by inserting '', unit of local government, or Indian tribe'' after ''State'';

(3) in subsection (c), by inserting '', unit of local government, or Indian tribe'' after ''State'';

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''or a unit of local government'' and inserting '', a unit of local government, or an Indian tribe''; and

(ii) in subparagraph (B), by striking ''or a unit of local government'' and inserting '', a unit of local government, or an Indian tribe''; and

(B) in paragraph (2)(A), by inserting '', units of local government, and Indian tribes,'' after ''States'';

(5) in subsection (e)—

(A) in paragraph (1), by inserting ''or local government'' after ''State'' each place that term appears; and

(B) in paragraph (2), by inserting '', unit of local government, or Indian tribe'' after ''State'';

(6) in subsection (f), in the matter preceeding paragraph (1), by inserting '', unit of local government, or Indian tribe'' after ''State'';

(7) in subsection (g)—

(A) in paragraph (1), by inserting '', unit of local government, or Indian tribe'' after ''State''; and

(B) in paragraph (2), by inserting '', units of local government, or Indian tribes'' after ''States''; and

(8) in subsection (h), by inserting '', unit of local government, or Indian tribe'' after ''State'' each place that term appears.

SEC. 6. IMPROVING ELIGIBILITY CRITERIA FOR BACKLOG GRANTS.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking ''and'' after the semicolon;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(6) if the applicant is a unit of local government, certify that the applicant participates in a State laboratory system;

''(7) provide assurances that, not later than 3 years after the date on which the application is submitted, the State, unit of local government, or Indian tribe will implement a plan for forwarding, not later than 180 days after a DNA evidence sample is obtained, all samples collected in cases of sexual assault to a laboratory that meets the quality assurance standards for testing under subsection (d); and

''(8) upon issuance of the regulations specified in section 10(d), certify that the State, unit of local government, or Indian tribe is in compliance with those regulations.''; and

(2) by adding at the end the following:

''(k) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to a State or unit of local government that has a significant rape kit or nonsuspect case backlog per capita as compared with other applicants.''.

SEC. 7. QUALITY ASSURANCE STANDARDS FOR COLLECTION AND HANDLING OF DNA EVIDENCE.

(a) NATIONAL PROTOCOL.—

(1) IN GENERAL.—The Attorney General shall review national, State, local, and tribal government protocols, that exist on or before the date of enactment of this Act, on the collection and processing of DNA evidence at crime scenes.

(2) RECOMMENDED PROTOCOL.—Based upon the review described in paragraph (1), the Attorney General shall develop a recommended national protocol for the collection of DNA evidence at crime scenes, including crimes of rape and other sexual assault.

(b) STANDARDS, PRACTICE, AND TRAINING FOR SEXUAL ASSAULT FORENSIC EXAMINATIONS.—Section 1405(a) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg note) is amended—

(1) in paragraph (2), by inserting ''and emergency response personnel'' after ''health care students''; and

(2) in paragraph (3), by inserting ''and DNA evidence collection'' after ''sexual assault forensic examinations''.

SEC. 8. SEXUAL ASSAULT FORENSIC EXAM PROGRAM GRANTS.

(a) AUTHORIZATION OF GRANTS.—The Attorney General shall make grants to eligible entities to—

(1) establish and maintain sexual assault examiner programs;

(2) carry out sexual assault examiner training and certification; and

(3) acquire or improve forensic equipment.

(b) ELIGIBLE ENTITY.—For purposes of this section, the term ''eligible entity'' means—

(1) a State;

(2) a unit of local government;

(3) a college, university, or other institute of higher learning;

(4) an Indian tribe;

(5) sexual assault examination programs, including sexual assault nurse examiner (SANE) programs, sexual assault forensic examiner (SAFE) programs, and sexual assault response team (SART) programs; and

(6) a State sexual assault coalition.

(c) APPLICATION.—To receive a grant under this section—

(1) an eligible entity shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require; and

(2) an existing or proposed sexual assault examination program shall also—

(A) certify that the program complies with the standards and recommended protocol developed by the Attorney General pursuant to section 1405 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg note); and

(B) certify that the applicant is aware of, and utilizing, uniform protocols and standards issued by the Department of Justice on the collection and processing of DNA evidence at crime scenes.

(d) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to proposed or existing sexual assault examination programs that are serving, or will serve, populations currently underserved by existing sexual assault examination programs.

(e) RESTRICTIONS ON USE OF FUNDS.—

(1) SUPPLEMENTAL FUNDS.—Funds made available under this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources for the purposes of this section.

(2) ADMINISTRATIVE COSTS.—An eligible entity may not use more than 5 percent of the funds it receives under this section for administrative expenses.

(3) NONEXCLUSIVITY.—Nothing in this section shall be construed to limit or restrict the ability of proposed or existing sexual assault examination programs to apply for and obtain Federal funding from any other agency or department or any other Federal grant program.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice, to remain available until expended, $30,000,000 for each of fiscal years 2003 through 2007 to carry out this section.

SEC. 9. DNA EVIDENCE TRAINING GRANTS.

(a) AUTHORIZATION OF GRANTS.—The Attorney General shall make grants to eligible entities to—

(1) train law enforcement personnel and all other first responders at crime scenes, including investigators, in the handling of sexual assault cases and the collection and use of DNA samples for use as forensic evidence;

(2) train State and local prosecutors on the use of DNA samples for use as forensic evidence; and

(3) train law enforcement personnel to recognize, detect, report, and respond to drug-facilitated sexual assaults.

(b) ELIGIBLE ENTITY.—For purposes of this section, the term ''eligible entity'' means—

(1) a State;

(2) a unit of local government;

(3) a college, university, or other institute of higher learning; and

(4) an Indian tribe.

(c) APPLICATION.—To receive a grant under this section, the chief executive officer of a State, unit of local government, or university, or the head of a tribal government that desires a grant under this section shall submit to the Attorney General—

(1) an application in such form and containing such information as the Attorney General may require;

(2) certification that the applicant is aware of, and utilizing, uniform protocols and standards issued by the Department of Justice on the collection and processing of DNA evidence at crime scenes;

(3) certification that the applicant is aware of, and utilizing, the national sexual assault forensic examination training protocols developed under section 1405(a) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg note); and

(4) if the applicant is a unit of local government, certification that the applicant participates in a State laboratory system.

(d) RESTRICTIONS ON USE OF FUNDS.—

(1) SUPPLEMENTAL FUNDS.—Funds made available under this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources for the purposes of this section.

(2) ADMINISTRATIVE COSTS.—An eligible entity may not use more than 5 percent of the funds it receives under this section for administrative expenses.

(3) NONEXCLUSIVITY.—Nothing in this section shall be construed to limit or restrict the ability of an eligible entity to apply for and obtain Federal funding from any other agency or department or any other Federal grant program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice $10,000,000 for each of fiscal years 2003 through 2007 to carry out this section.

SEC. 10. AUTHORIZING JOHN DOE DNA INDICTMENTS.

(a) LIMITATIONS.—Section 3282 of title 18, United States Code, is amended—

(1) by striking ''Except'' and inserting the following:

''(a) LIMITATION.—Except''; and

(2) by adding at the end the following:

''(b) DNA PROFILE INDICTMENT.—

''(1) IN GENERAL.—In any indictment found for an offense under chapter 109A, if the identity of the accused is unknown, it shall be sufficient to describe the accused as an individual whose name is unknown, but who has a particular DNA profile.

''(2) EXCEPTION.—Any indictment described in paragraph (1), which is found within 5 years after the offense under chapter 109A shall have been committed, shall not be subject to—

''(A) the limitations period described in subsection (a); and

''(B) the provisions of chapter 208 until the individual is arrested or served with a summons in connection with the charges contained in the indictment.

''(3) DEFINITION.—For purposes of this subsection, the term 'DNA profile' means a set of DNA identification characteristics.''.

(b) RULES OF CRIMINAL PROCEDURE.—Rule 7 of the Federal Rules of Criminal Procedure is amended in subdivision (c)(1) by adding at the end the following: ''For purposes of an indictment referred to in section 3282 of title 18, United States Code, if the identity of the defendant is unknown, it shall be sufficient to describe the defendant, in the indictment, as an individual whose name is unknown, but who has a particular DNA profile, as defined in that section 3282.''.

SEC. 11. INCREASED GRANTS FOR COMBINED DNA INDEX (CODIS) SYSTEM.

Section 210306 of the DNA Identification Act of 1994 (42 U.S.C. 14134) is amended—

(1) by striking ''There'' and inserting the following:

''(a) IN GENERAL.—There''; and

(2) by adding at the end the following:

''(b) INCREASED GRANTS FOR CODIS.—There is authorized to be appropriated to the Federal Bureau of Investigation to carry out upgrades to the Combined DNA Index System (CODIS) $9,700,000 for fiscal year 2003.''.

SEC. 12. INCREASED GRANTS FOR FEDERAL CONVICTED OFFENDER PROGRAM (FCOP).

Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended by adding at the end the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Federal Bureau of Investigation to carry out this section $500,000 for fiscal year 2003.''.

SEC. 13. PRIVACY REQUIREMENTS FOR HANDLING DNA EVIDENCE AND DNA ANALYSES.

(a) PRIVACY PROTECTION STANDARD.—Section 10(a) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135e(a)) is amended by inserting before the period at the end the following: ''or in section 3282(b) of title 18, United States Code''.

(b) LIMITATION ON ACCESS TO DNA INFORMATION.—Section 10 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135e) is amended by adding at the end the following:

''(d) LIMITATION ON ACCESS TO DNA INFORMATION.—

''(1) IN GENERAL.—The Attorney General shall establish, by regulation, procedures to limit access to, or use of, stored DNA samples or DNA analyses.

''(2) REGULATIONS.—The regulations established under paragraph (1) shall establish conditions for using DNA information to—

''(A) limit the use and dissemination of such information, as provided under subparagraphs (A), (B), and (C) of section 210304(b)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)(3));

''(B) limit the redissemination of such information;

''(C) ensure the accuracy, security, and confidentiality of such information;

''(D) protect any privacy rights of individuals who are the subject of such information; and

''(E) provide for the timely removal and destruction of obsolete or inaccurate information, or information required to be expunged.''.

(c) CRIMINAL PENALTY.—Section 10(c) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135e) is amended—

(1) in paragraph (1), by striking ''discloses a sample or result'' and inserting ''discloses or uses a DNA sample or DNA analysis''; and

(2) in paragraph (2), by inserting ''per offense'' after ''$100,000''.

Mr. REID. I ask consent that the committee substitute amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2513), as amended, was read the third time and passed.

DESIGNATING ''YEAR OF THE BLUES''

Mr. REID. I ask unanimous consent that the Senate proceed to Calendar No. 567, S. Res. 316.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 316) designating the year beginning February 1, 2002, as the ''Year of the Blues.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that this resolution and the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 316) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 316

Whereas blues music is the most influential form of American roots music, with its impact heard around the world in rock and roll, jazz, rhythm and blues, country, and even classical music;

Whereas the blues is a national historic treasure, which needs to be preserved, studied, and documented for future generations;

Whereas the blues is an important documentation of African-American culture in the twentieth century;

Whereas the various forms of the blues document twentieth-century American history during the Great Depression and in the areas of race relations, pop culture, and the migration of the United States from a rural, agricultural society to an urban, industrialized Nation;

Whereas the blues is the most celebrated form of American roots music, with hundreds of festivals held and millions of new or reissued blues albums released each year in the United States;

Whereas the blues and blues musicians from the United States, whether old or new, male or female, are recognized and revered worldwide as unique and important ambassadors of the United States and its music;

Whereas it is important to educate the young people of the United States to understand that the music that they listen to today has its roots and traditions in the blues;

Whereas there are many living legends of the blues in the United States who need to be recognized and to have their story captured and preserved for future generations; and

Whereas the year 2003 is the centennial anniversary of when W.C. Handy, a classically-trained musician, heard the blues for the first time, in a train station in Mississippi, thus enabling him to compose the first blues music to distribute throughout the United States, which led to him being named ''Father of the Blues'': Now, therefore, be it

Resolved, That the Senate—

(1) designates the year beginning February 1, 2003, as the ''Year of the Blues''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the ''Year of the Blues'' with appropriate ceremonies, activities, and educational programs.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE UNITED STATES CONGRESSIONAL PHILHARMONIC SOCIETY

Mr. REID. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of H. Con. Res. 183, and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 183) expressing the sense of Congress regarding the United States Congressional Philharmonic Society and its mission of promoting musical excellence throughout the educational system and encouraging people of all ages to commit to the love and expression of musical performance.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the resolution and its preamble be agreed to, the motion to reconsider be laid on the table, and any statements regarding this matter be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 183) was agreed to.

The preamble was agreed to.

DESIGNATING THE WEEK BEGINNING SEPTEMBER 15, 2002, AS ''NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK''

Mr. REID. I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 305, and that the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 305) designating the week beginning September 15, 2002, as ''National Historically Black Colleges And Universities Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution and the preamble be agreed to, the motion to reconsider be laid on the table, and any statement relating thereto be printed in the RECORD.

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

The resolution (S. Res. 305) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 305

Whereas there are 105 historically black colleges and universities in the United States;

Whereas black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK.

The Senate—

(1) designates the week beginning September 15, 2002, as ''National Historically Black Colleges and Universities Week''; and

(2) requests that the President of the United States issue a proclamation calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

CONGRATULATING THE NATIONAL FARMERS UNION FOR 100 YEARS OF SERVICE TO FAMILY FARMERS, RANCHERS, AND RURAL COMMUNITIES

Mr. REID. Mr. President, I ask unanimous consent the Agriculture Committee be discharged from further consideration of S. Res. 324, and the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 324) congratulating the National Farmers Union for 100 years of service to family farmers, ranchers, and rural communities.

There being no objection the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid on the table with no intervening action or debate, and any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 324) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 324

Whereas the National Farmers Union celebrates its centennial anniversary in 2002;

Whereas during its 100 years of service to rural America, the National Farmers Union has faithfully promoted the organization's mission of education, legislation, and cooperation as identified by its founders and proclaimed in its triangular symbol;

Whereas the National Farmers Union represents nearly 300,000 family farmer and rancher members across the United States;

Whereas the National Farmers Union epitomizes the spirit and energy of hundreds of thousands of family farmers, ranchers, rural advocates, and communities;

Whereas the National Farmers Union remains dedicated to protecting and enhancing the quality of life for rural America;

Whereas the National Farmers Union has been instrumental in the establishment and progress of the farmer-owned cooperative movement; and

Whereas the National Farmers Union strives to improve rural America through proactive support and proposals to enhance rural economic development, educational opportunities, resource conservation, market competition, domestic farm income, and international cooperation: Now, therefore, be it

Resolved, That the Senate commends and congratulates the National Farmers Union for a century of dedicated service to the farmers, ranchers, and rural communities of the United States.

PROVIDING A TEMPORARY WAIVER UNDER THE CLEAN AIR ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 3880, which has just been received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3880) to provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD, without any intervening action or debate.

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

The bill (H.R. 3880) was read the third time and passed.

ORDERS FOR FRIDAY, SEPTEMBER 13, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. tomorrow, Friday, September 13; that following the prayer and the Pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to executive session to consider Executive Calendar No. 961 and the nomination be confirmed without any intervening action or debate; that following the disposition of the nomination, the motion to reconsider be laid on the table, any statements thereon be printed in the RECORD, the President be immediately notified, and the Senate return to legislative session and resume consideration of the Interior Appropriations Act.

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

PROGRAM

Mr. REID. Mr. President, the next rollcall vote will occur tomorrow morning at 10:15 a.m. in relation to the Dodd amendment to the Interior Appropriations bill. At noon the Senate will resume consideration of the Homeland Security Act.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. REID. Mr. President, I appreciate very much the patience of the Presiding Officer.

I now ask unanimous consent, as I believe there is no further business to come before the Senate, that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:53 p.m, adjourned until Friday, September 13, 2002, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate September 12, 2002:

DEPARTMENT OF STATE

MAURA ANN HARTY, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (CONSULAR AFFAIRS), VICE MARY A. RYAN.

THE JUDICIARY

RALPH R. ERICKSON, OF NORTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NORTH DAKOTA, VICE RODNEY S. WEBB, RETIRED.

S. MAURICE HICKS, JR., OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA, VICE DONALD E. WALTER, RETIRED.

THOMAS L. LUDINGTON, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE PAUL V. GADOLA, RETIRED.

WILLIAM D. QUARLES, JR., OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE WILLIAM M. NICKERSON, RETIRED.

VICTOR J. WOLSKI, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE BOHDAN A. FUTEY, TERM EXPIRED.

GLEN L. BOWER, OF ILLINOIS, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE, VICE CAROLYN MILLER PARR, TERM EXPIRED.

CONFIRMATION

Executive nomination confirmed by the Senate September 12, 2002:

THE JUDICIARY

TIMOTHY J. CORRIGAN, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA.