

of STAPPA and ALAPCO, to request that EPA extend by 1 year the effective date of the final NSR rule revisions.”

These same State, territorial, and local air officials, which have gone on record in support of changes to NSR, believe that “the administration has gone too far in revamping the program” and that “because the reforms are mandatory, they will impede, or even preclude, the ability of States and localities all across the country to retain or adopt programs that are more protective than the Federal requirements.”

That is in part why the Attorneys General from nine States are suing the Federal Government over these changes. Whereas the existing NSR program was the foundation for a series of lawsuits brought by the States, the Federal Government and environmental groups against dozens of old, coal-fired powerplants and other industrial sources, the tables are now turned.

Now, the Attorneys General from nine States, New York, Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont, have had to file a lawsuit against the Federal Government, challenging these new regulations. The very regulations that the States had been using in conjunction with the Federal Government to go after bad actors and improve air quality.

Some of us will join in that lawsuit, because we, too, are convinced that the Bush administration is violating the Clean Air Act and going against the intent of Congress. But again, that is a separate matter.

Again, as I already stated, this vote was a very strong showing of bipartisan support for protecting clean air and ensuring healthy communities, and against any backsliding on the Clean Air Act. And it was by no means the end of this debate. We will not give up this fight to stop any weakening of existing Clean Air Act protections and to ensure that all Americans have clean, healthy air to breathe.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, to clear up a couple things, first, this does not apply to coal-fired plants. The Senator from North Carolina has been talking about that. I have a letter from the administrator saying that. Second, this is not something that came out of the Bush administration. It is something that came out of the Clinton administration. In listening to some of the comments made by some of the Senators on the other side, I think they have lost sight of that fact.

Third, it is hard to find anyone who is not supporting this. People want these plants to be able to go ahead, make the improvements, clean up the air, and do a better job for the environment. We have the National Conference of State Legislators, Governors, the environmental councils of the States, the National Black Chamber of Commerce,

virtually every labor union; they are all listed. The list is on the desks. I would encourage Members not to delay this effort. All this amendment would do is delay it for 6 more months. It has already been delayed for 10 years. It is time to go ahead. I urge Members to vote against the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. EDWARDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Indiana (Mr. HARKIN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Hawaii (Mr. INOUE) are necessary absent.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 50, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—46

Akaka	Dodd	McCain
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murray
Biden	Edwards	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Boxer	Graham (FL)	Reed
Byrd	Gregg	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Chafee	Kennedy	Schumer
Clinton	Kerry	Snowe
Collins	Kohl	Stabenow
Conrad	Lautenberg	Sununu
Corzine	Leahy	Wyden
Daschle	Levin	
Dayton	Lieberman	

NAYS—50

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Pryor
Breaux	Frist	Roberts
Brownback	Graham (SC)	Santorum
Bunning	Grassley	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith
Chambliss	Hutchison	Specter
Cochran	Inhofe	Stevens
Coleman	Kyl	Talent
Cornyn	Landrieu	Thomas
Craig	Lincoln	Voinovich
Crapo	Lott	Warner
DeWine	Lugar	

NOT VOTING—4

Feinstein	Hollings
Harkin	Inouye

The amendment (No. 67) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF THOMAS J. RIDGE OF PENNSYLVANIA TO BE SECRETARY OF HOMELAND SECURITY

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to proceed to the consideration of Executive Calendar No. 1, which the clerk will report.

The legislative clerk read the nomination of Thomas J. Ridge, of Pennsylvania, to be Secretary of Homeland Security.

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

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

The majority whip.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 2:20 today, the Senate proceed to a vote in relation to the motion to waive the Budget Act with respect to the Reed amendment No. 40; provided that immediately following that vote, Senator DASCHLE be recognized in order to offer an amendment relating to drought assistance; provided further that following the reporting of the amendment, Senator COCHRAN be immediately recognized in order to offer another first-degree amendment relating to the same subject. I further ask unanimous consent that there then be a total of 70 minutes of debate on both amendments, to be divided equally between the two sponsors of the amendments.

Finally, I ask unanimous consent that following the use or yielding back of time, the Senate proceed to a vote in relation to the Cochran amendment, to be followed immediately by a vote in relation to the Daschle amendment, with no further intervening action or debate and no amendments in order to either amendment prior to the votes.

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

Ms. COLLINS. Mr. President, it is my understanding that we are now turning to consideration of the nomination of Thomas Ridge; is that correct?

The PRESIDING OFFICER. The Senator is correct. The Senator will control 1 hour 40 minutes.

Ms. COLLINS. Under the previous order, I yield myself such time as I may consume.

For the information of my colleagues, I expect my initial statement will not exceed 12 minutes.

Mr. President, I rise today in strong support of the nomination of Gov. Tom Ridge to be the first Secretary of the Department of Homeland Security. As

chairman of the Committee on Governmental Affairs, I assure my colleagues the committee thoroughly considered this nomination in an extensive hearing last Friday at which the nominee expertly and in a forthright manner answered all of the questions posed to him. Every member of the committee participated in the hearing at some point and each member was able to pose questions to Governor Ridge.

Subsequently, the committee voted unanimously to report Governor Ridge's nomination to the full Senate. I am very pleased we are taking up this important assignment today.

The United States has made substantial progress in improving homeland security since the terrorist attacks of September 11. The new Department of Homeland Security will provide the organizational framework to help our Nation better cope with the threat of a terrorist attack. September 11, 2001, underscored the concerns raised by many experts, including the members of the Hart-Rudman Commission who warned our Nation was not adequately prepared for 21st century threats but, rather, was still operating under a cold war threat environment. The nature of the threat has changed since the end of the cold war. Change has brought with it the need to reorganize the Government in a way that will enable us to better protect our Nation and its citizens.

September 11 focused our attention on homeland security. Now we understand all too well why it is a problem if our first responders do not have compatible communication systems. Interoperability has gone from being a buzzword to a matter of life and death. Now we understand the vulnerability posed by 17 million shipping containers arriving in the United States from ports all over the world with few of them ever being searched. Now we understand our Nation's 20,000 miles of land and sea borders present countless opportunities for those who would do us harm.

We also understand we can no longer rely on an ad hoc approach to homeland security. Currently, as many as 100 Federal agencies are responsible in some way for homeland security. But not one has homeland security as its primary mission. When that many entities are responsible, none is really accountable and turf battles and bureaucratic disputes are inevitable.

The new Department of Homeland Security will work to address these problems by better securing our ports, our borders, and our critical infrastructure. It will synthesize and analyze intelligence information from multiple sources. It will coordinate security activities now undertaken separately by agencies such as the Customs Service, the INS, and the Federal Emergency Management Agency. The new Department will help remedy many of the current organizational weaknesses in order to better protect us against future attacks.

Congress's passage of legislation creating this new Department was only the first step in what will be a long and difficult process. The homeland security effort will take all of us working together as a team—the administration, the new Secretary, and the Congress—to ensure the success of this massive reorganization. This effort will require the new Secretary to overcome unique challenges. The Department's leadership will have to address management and reorganization issues, as well as issues related to integrating the various agencies, each with differing work rules, information technology systems, and cultures.

In addition to these challenges, the new Secretary must also ensure that the nonhomeland security functions moving to the Department are not neglected. For example, it is critically important to my home State of Maine and to coastal communities throughout our Nation that the Coast Guard's new homeland security responsibilities not divert its attention from its traditional role, including search and rescue missions. In a given year, the Coast Guard performs over 39,000 search and rescue missions.

Just recently, the Coast Guard was involved in a rescue of two fishermen from a fishing island off the coast of Maine. On a typical day, the Coast Guard saves 10 lives, interdicts 14 illegal immigrants, inspects and repairs 135 buoys, and helps more than 2,500 commercial ships navigate into and out of U.S. ports.

Because of the vital importance of these functions, Senator STEVENS and I worked with many of our colleagues on both sides of the aisle to include strong language in the new Homeland Security Act to ensure that the Coast Guard will continue to make search and rescue and other traditional missions a priority, not an afterthought.

Another challenge for the new Department will be to effectively support those men and women who are on the front lines, our Nation's 2 million first responders, including our police officers, our firefighters, and our emergency medical personnel. The Homeland Security Act establishes a new office for State and local government coordination, but it offers no assurance that the new Department will coordinate and communicate effectively with our Nation's first responders.

Ensuring that our partners at the State and local level have sufficient attention, resources, and cooperation will require more work.

This is another advantage that Governor Ridge brings to this important job. As a Governor, he understands better than most people how important the role played by State and local governments is to our national security.

The establishment of the Department of Homeland Security will be the most significant restructuring of the Federal Government in more than 50 years. It is the most important reorganization since Congress created the Department

of Defense in 1947. It will involve the merger of 22 Federal agencies and some 170,000 employees. Managing this Department will pose extraordinary challenges.

Fortunately, we have before us a man of extraordinary capacity in Gov. Tom Ridge. Governor Ridge's resume is impressive. In addition to his current service as assistant to the President for homeland security, Governor Ridge twice was elected as Governor of Pennsylvania, served six terms in the Congress, and worked as an assistant district attorney in Pennsylvania. His resume speaks to the management and leadership skills that he possesses which will be necessary to make this effort successful.

Perhaps the clearest indication of Governor Ridge's character is something that you won't find on his resume. It is the story of his service in the U.S. Army during the Vietnam war. Governor Ridge was one of the few, if not the only, graduate of Harvard who served in Vietnam as an enlisted man, and he did so with great distinction. Infantry Staff Sergeant Ridge was awarded a Bronze Star for valor. These are impressive credentials that speak to the character of a remarkable man.

The new Department will not make us safer overnight, but its establishment must lead, and I believe will lead, to new capabilities that will make our Nation secure under the very capable leadership of Tom Ridge. Our goal must be a department that enables our country to better deter, detect, prepare for, and, if necessary, respond to a terrorist attack.

To attain this goal will require not only extraordinary leadership from the new Secretary but also the cooperation of the agencies transferred to the new Department and the full support of the Congress. Ultimately, the success of the new Department rests not just on the broad shoulders of Governor Ridge but on all of us.

Today I am hopeful the Senate will take an important step forward in making our homeland safer and more secure by promptly confirming Governor Ridge. We are asked to confirm Governor Ridge for a Cabinet post that may well be the most challenging position created by Congress during the last 50 years. I can't think of a better person to have at the helm of this new Department when it opens its doors this Friday than Governor Ridge.

For this reason it is important we act promptly so the new Department opens on Friday with a new Secretary firmly in control. I urge my colleagues to support the confirmation of Governor Ridge as Secretary of Homeland Security. In my judgment, the President could not have made a better choice for this critically important position.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I listened with great interest to the Senator from Maine. I can't think of a better person

to have on my side, if I were Governor Ridge, than the distinguished junior Senator from Maine. If I were feeling otherwise, I would be almost persuaded—remembering that old Baptist hymn we used to sing in West Virginia, “Almost Persuaded,” I would be almost persuaded to vote for him, if I had intended to otherwise. In this case, I think I will join her in voting for Governor Ridge.

Ms. COLLINS. I thank the Senator.

Mr. BYRD. So I salute her.

Now that the nomination has been reported unanimously to the Senate by the Governmental Affairs Committee, it seems certain that Tom Ridge will be confirmed by an overwhelming margin to be the Nation's first Secretary of Homeland Security.

And, while organizing 28 agencies—some say 22. I have heard that there are 28 agencies and offices—within a new Homeland Security Department will be a difficult task, to say the least, Senators seem to be confident that Governor Ridge is qualified to handle the job. I think that is the case. Governor Ridge appears to have the necessary qualities and experience to serve admirably as the first Secretary of Homeland Security. But I hope he understands that his new job responsibilities will involve more than just overseeing a new Department intended to protect our homeland.

Despite the objections of some Senators, this new Homeland Security Department has been empowered with wide-ranging authorities, and its officers will have prime access to information about the American public. With that access comes the potential for abuse.

We have already seen the administration pushing the legal envelope in the fight against terrorism—so much so that phrases such as “enemy combatants,” “material witness warrants,” and “military tribunals” have become synonymous with terrorist-related arrests here at home. We have seen the development of a parallel legal system for both U.S. citizens and noncitizens in which terrorist suspects may be investigated, jailed, tried, and punished without the legal protections long guaranteed by the American legal system.

Given the origins of this new Homeland Security Department—from the crafting of a secret plan in the bowels of the White House, to the refusal of the Homeland Security Director to testify before the Congress, to the expanding cloak of secrecy that has fallen over this administration—it is essential that Governor Ridge understand that he will be responsible not only for defending the homeland but also for defending against the abuse of power inside the new department.

As the department's first Secretary, Governor Ridge will set the precedents for how this new department uses its authorities in the name of homeland security. How far this department can peer into the lives of the American

public will, in large part, be influenced by Governor Ridge.

The Congress will continue to perform its oversight role and to be on the lookout for abuses of power. But Senators will vote to confirm Governor Ridge today with the expectation that he understands and respects the oversight role of the Congress, and that he will never mislead the people's representatives or the people themselves about the actions of the department.

Most importantly, when the Senate votes to confirm Governor Ridge today, as I believe it will, it should be with the expectation that he respect the constitutional doctrines of checks and balances and separation of powers.

We have seen this administration running the Federal Government, to a disconcerting degree, from within the confines of the White House. We have seen how the President's advisors—whether they be his economic advisors, his national security advisors, or his homeland security advisors—can direct numerous Government actions, insulated from the Congress and the American public, by keeping the decision-making process inside of the Oval Office.

Over the last year, the White House has scrupulously avoided answering the questions of the Congress, as this branch has tried to assess our Nation's homeland security vulnerabilities. It is this body—this body—that must pass laws and provide funds to tighten up our borders, to hire inspectors, to buy vaccines, to prevent more terrorist attacks. But all too much, when we have looked for information on which to base our decisions from this administration, our requests have largely been denied. So today, we will vote to confirm Governor Ridge to be Secretary of Homeland Security and to answerable to us—answerable to the Congress, to both House of Congress—and to the people we represent.

This new department must not be just a public relations front, while the real work of debate on strategies and crafting of policies is being conducted inside the Executive Office of the President, protected from public scrutiny. The decisionmaking process with regard to the safety of our communities must remain open to the public, not hidden away. This is the only way that we can work to ensure that our Government operates within the legal boundaries established by the Congress, and that it does not threaten the privacy rights and civil liberties of the American public. That is the only way that we can be sure that this massive new department, in which so many have invested so much hope, actually does what it is supposed to do.

I intend to support the nomination of Governor Ridge, and I will do so with the hope he understands that he is charged with not only protecting the American public from overzealous terrorists but also with protecting their civil liberties from an overzealous new bureaucracy. And only time will tell.

But time will tell. And so I express my support and shall cast my vote with the fervent hope that Governor Ridge will not blindly follow the President but that he will respect the institutional role of the Congress and be faithful to the Constitution and to the people whose liberties and safety may depend upon the decisions he, Mr. Ridge, will make.

I yield the floor.

Ms. COLLINS. Mr. President, I yield as much time as he would like to the Senator from Pennsylvania.

Mr. SPECTER. I thank the distinguished chair of the committee and I begin by congratulating her on her accession to the Chairmanship. Her distinguished career began as a staffer for the Committee on Governmental Affairs. Senator COLLINS is now the chairwoman—a very significant advance.

I have sought recognition to support the nomination of Governor Tom Ridge to be Secretary of Homeland Security. Tom Ridge embodies the classic American success story. He was born in very modest circumstances—an occupant of public housing as a youngster; Harvard educated, he served as an enlisted man in the Vietnam war, and was honored with medals for his distinguished service. With outstanding academic credentials from Dickinson Law School, Governor Ridge became an experienced assistant district attorney—which, I might add, is a very important developmental office. Sometimes I am asked what office I consider more important, being district attorney of Philadelphia or being a U.S. Senator. I am quick to respond that, for me, the most important office was assistant district attorney, with the development of trial skills, analysis, and organization.

Tom Ridge was an outstanding prosecuting attorney. He came to the Congress of the United States in 1982. I have worked closely with Governor Ridge for the past 20 years plus. He was an outstanding two-term Governor in Pennsylvania, enjoying great popularity and great success.

Shortly after September 11, 2001, when Governor Ridge received a call from his former gubernatorial colleague—now President Bush—to take on the job as Presidential Adviser of Homeland Security, Governor Ridge responded as a great patriot, taking on the very difficult job of coordinating the affairs on homeland security.

With the Department scheduled to come into existence on January 25, it is very important that we move ahead promptly with his confirmation. It is my expectation that the vote will be overwhelming, if not unanimous. We had a hearing last Friday in the Governmental Affairs Committee. Rules were waived to send the matter to the floor at an early date. I am pleased to see that the majority leader has listed the issue for resolution today.

It is my hope that Governor Ridge will find, in this new position, the ability in our Federal Government to put all of the so-called dots on the board at

the same time. It is my judgment that the Secretary of Homeland Security needs a somewhat broader authority than the position has at the present time institutionally.

I had filed an amendment to the homeland security bill which would give the Secretary the authority to direct all of the intelligence agencies—the CIA, the FBI, the Defense Intelligence Agency, and all other agencies—so that the analytical aspects of the work would be under one umbrella: Let the CIA conduct their work worldwide, let the FBI undertake their traditional role, and let the Defense Intelligence Agency undertake its regular duties as all of the intelligence agencies continue functioning operationally. But when it comes to analysis, it is my view that all ought to be under one umbrella.

Governor Ridge testified that there is excellent coordination among the intelligence agencies at the present time. He testified last Friday candidly, but he couldn't say what had happened before he came to the scene. I commented in my discussion with Governor Ridge during his confirmation proceedings that he cannot say what would happen after he left, that it is not a matter of personalities. The relationship between Governor Ridge and President Bush, which is a very close relationship, enhances Governor Ridge's ability to gather information from the other intelligence agencies. But institutionally, we have to be prepared for the day when the relationships might not be that close. We are a government of laws, not a government of men; a government of relationships defined by statute, and not depending upon personal relationships.

It is my view that had all of the so-called dots been on the same board prior to September 11, September 11 could have been avoided.

We now know about the famous FBI Phoenix report from the summer of 2001 which was lost in the FBI bureaucracy. We now know more about the effort of the Minneapolis field office of the FBI to secure a warrant for Zacarias Moussaoui under the Foreign Intelligence Surveillance Act. The wrong standard was applied. They were looking for 15 percent—more probable than not when the case law is that there has to be suspicion only founded on the totality of the facts. We know the CIA had information about two men in Kuala Lumpur which was not conveyed to the Immigration and Naturalization Service or the FBI. Those men got into the United States and were on two of the suicide bomber planes on 9/11. We know the National Security Agency received a report on September 10 that something was to happen the next day. It wasn't translated until September 12.

So if all of these so-called dots had been on the board, I think the acts of 9/11 could have been prevented.

The Director of the Central Intelligence Agency testified last fall that

another attack would occur. I do not believe we have to concede that. I do not believe we have to await another attack. I believe our fundamental job is to prevent an attack. We do have intelligence agencies where improvements have been made, and we need the cooperation among all of the intelligence agencies to put all of these so-called dots on the same board. It is my hope that Governor Ridge will ultimately have that authority. As I said at the hearing on Friday, I intend to offer that amendment and pursue it through the legislative process in committee and to bring it to the floor of the Senate.

The issue of labor relations was also a matter discussed at the hearing. There is no doubt about the President's need for a national security waiver. But it is my view that that is a Presidential judgment and a Presidential decision and that, to the extent possible, the traditional labor-management laws of the United States ought to be followed unless there is a real national security interest as determined by the President in light of our very difficult war against terrorism and against al-Qaida.

I am pleased to see a man of Governor Ridge's competency coming to this position. The toughest job is to stop calling him Governor Ridge and to start calling him Secretary Ridge. But we are going to start that tomorrow as he takes on perhaps as tough a job as there is in Washington, DC, today.

I don't think I have to urge my colleagues to support this nomination. I think the vote will be overwhelming, if not unanimous. I want to add my voice in support of Governor Ridge because I have known him a long time and have firsthand experience as to his competency, and to express my concerns about the operation of the Department as we move ahead on this very vital war against terrorism.

I thank the chairwoman and yield the floor.

Ms. COLLINS. Mr. President, I thank the Senator from Pennsylvania for his comments, for his introduction of Governor Ridge at the hearing last Friday, and for his participation as a member of the committee. We are indeed fortunate to have the benefit of his expertise.

Mr. President, I ask unanimous consent that after the Senator from North Dakota delivers his remarks, the Senator from Alabama be recognized next for as long as he needs, with a limit of 10 minutes.

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

The Senator from North Dakota.

Mr. DORGAN. Mr. President, first let me say I am pleased to announce that I will vote for Governor Ridge, to confirm Governor Ridge for the position of Secretary of Homeland Security.

I have known Governor Ridge for a long while. I served with him in the House of Representatives. I think he is a public servant with great skill and

great dedication. I am very pleased to see him continue to offer himself for public service. I am very pleased to cast a vote in favor of his nomination. It is a good one. I commend President Bush for sending it to us. And I think he will be confirmed overwhelmingly by the Senate, if not unanimously.

Let me, however, say there are several things I am concerned about with respect to homeland security. And it mirrors some of the suggestions offered by my colleague just moments ago.

I want to say—as I indicate I am proud to vote for Governor Ridge—there are three areas I hope very much we will make some significant improvements in and for. Let me describe them.

First and foremost for me is information sharing. The task force headed by former Senators Warren Rudman and Gary Hart, on October 25, issued a report to this country. The report was titled "America Still Unprepared—America Still in Danger." It was a bipartisan task force sponsored by the Council of Foreign Relations, which included former Secretaries of State George Shultz and Warren Christopher; retired ADM William Crowe, former Chairman of the Joint Chiefs of Staff; and many others.

They found that 1 year after the September 11 attacks, America remains dangerously unprepared for another terrorist attack. At the top of their concerns—the top of their list—was this:

650,000 local and state police officials continue to operate in a virtual intelligence vacuum, without access to a terrorist watch list provided by the U.S. Department of State that goes to immigration and consular officials.

Let me say that again. The watch list—the list that the Department of State has, that has on it names of terrorists and suspected terrorists—that list is not available to State and local law enforcement officials across this country. And the Rudman-Hart report says you have 650,000 additional eyes and ears out there in law enforcement that ought to be able to access that report.

To give you an example, 36 hours before September 11 and those devastating attacks, one of the hijackers, Ziad Jarrah, a 26-year-old Lebanese national, who was flying the airplane that crashed in Pennsylvania, was pulled over on Interstate 95 in the State of Maryland by a Maryland State Police trooper for driving 90 miles an hour. He was one of the key organizers of the al-Qaida terrorist cell formed in Germany 3 years ago. He shared a Hamburg apartment with Mohammed Atta. And he was at the controls of flight 93.

When this hijacker was pulled over by a Maryland trooper, he was driving a rented car under his own name. This hijacker, it turns out, was not on the watch list. But if he had been—and there is no reason to think he would not have been, given today's circumstances—that Maryland trooper

would have had no idea and no access to the information that he had just pulled over someone who was a known terrorist, a suspected terrorist.

If this afternoon, in Fargo, ND, a city police officer or a county sheriff or a highway patrolman pulls over an automobile, and it is filled with four people who snuck across the United States-Canadian border in some remote area of our country, and those four people are on the terrorist watch list, a list compiled by the State Department, that city police officer or county sheriff will have no access to that information. They can call in and get the NCIC and find out who has been convicted of a felony and who has outstanding warrants, but they are not able to get to the names on the State Department's watch list of who the terrorists are, the known terrorists and suspected terrorists. That is unforgivable, in my judgment.

Let me read a detailed excerpt from the Hart-Rudman report:

With just fifty-six field offices around the nation, the burden of identifying and intercepting terrorists in our midst is a task well beyond the scope of the FBI. This burden could and should be shared with 650,000 local, county, and state law enforcement officers, but they clearly cannot lend a hand in [the] counterterrorism information void [that now exists because] when it comes to combating terrorism, the police officers on the beat are effectively operating deaf, dumb, and blind.

Why? Because we have a list with the names of terrorists on it, and the names of suspected terrorists on it, and the police officers and the county sheriffs and the highway patrolmen have no access to that list and are not allowed to have access to that list. That is wrong.

Let me continue quoting from the Hart-Rudman report:

Terrorist watch lists provided by the U.S. Department of State to [the U.S.] immigration [folks] and consular officials are still out of bounds for state and local police. In the interim period as information sharing issues get worked out, known terrorists will be free to move about to plan and execute their attacks.

Even when they are stopped by local police officers, and even when their names are run against the NCIC, those local law enforcement officials have no ability, no capability, to run those names against the watch list that contains the names of terrorists and suspected terrorists.

This needs to get fixed. I hope Governor Ridge makes this a first priority. This was the top recommendation of this blue ribbon commission that says America is unprepared. This was their top recommendation. And months after it was issued, to the best I can understand, very little is happening in the administration to resolve this. I believe very strongly it needs to be resolved, and soon.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Eight and a half minutes.

Mr. DORGAN. Mr. President, let me make two additional points.

One of them is a point I have made many times on the floor of the Senate, and that is the issue of container security. We are spending about \$8 billion to do something called a national missile defense plan, so that if there is an intercontinental ballistic missile aimed at the United States, and shot at us by a terrorist somewhere in the world, we can send up another missile, and with our \$8 billion, we will hit a bullet with a bullet. That is the proposition, in any event.

It is very unlikely, of course, that a terrorist group is going to have access to an intercontinental ballistic missile, but we are spending \$8 billion dealing with that and rogue states having access to those missiles.

A more likely threat, according to most people, is not a 15,000-mile-an-hour missile aimed at our country with a nuclear warhead; a more likely threat is a container on a container ship, slowly but surely, at 2 miles an hour, pulling up to a dock in New York City or Los Angeles or San Diego or Seattle, with a container in the middle of all the containers on that ship containing a dirty bomb or a nuclear weapon.

Mr. President, 5.7 million of those containers come into this country each and every year; 100,000 of them are inspected, 5.6 million are not.

I happen to have toured a port a couple of times. I come from a State that is landlocked. I do not know much about ports, so I have done a couple tours. I have great admiration for Customs and others working on those docks, in those ports. During a tour, I recall asking them: What is in this container? They said: We don't know, but let us show you what we're doing with some containers. They took me to a garage-like structure and opened one container that had frozen broccoli from Poland. That was the first time I had seen frozen broccoli from Poland in 100-pound bags, destined, I suppose, for the restaurants across America.

They pulled out a couple bags and opened them. Sure enough, it was frozen broccoli from Poland. I asked: How do you know what is in the middle bag in the middle of this container? They said: We don't. I asked: How many of these do you inspect? They said: Two percent of all containers we inspect.

The fact is, we need to do better because our ports, our big cities are under threat of terrorist acts, where terrorists using a container, put in a container ship, could come into one of our ports with a weapon of mass destruction immersed in one of those containers.

We have heard about the suspected terrorist who actually put himself in a container and put himself on a container ship, took with him some water, something to sleep on, a cot, a computer, wireless satellite telephones, and food, and then shipped himself to Toronto, Canada, probably with the intention of going from the Middle East to Canada and then sneaking into this

country. But the point is, he was discovered. But he put himself in a container on a container ship with all the comforts of home, shipping himself to Canada.

My point is, if we care about the security of this country and care about defeating terrorists, care about identifying and thwarting terrorist acts, then we have to care a great deal about port security.

The fact is, we are not funding it. This bill that is before us has cut funding once again. People say we are adding funding. The fact is, we have cut the funding that the Customs Service says they need. It has just been cut. And we try to add it back, and we lose the vote.

But, look, this isn't about spending; it is about protecting our country. We cannot turn a blind eye to port security and say that somehow we have done what is necessary to defend this country. I hope Governor Ridge comes in and understands that is a very difficult issue but one that we have to address in a very aggressive way.

Finally, let me talk about northern border security, border security generally but northern border security specifically.

With respect to our borders, it is true that a country cannot defend itself if it does not control its borders. It is the case, for example, that we have had 10 times as many Border Patrol agents on the southern border between the United States and Mexico as we have had on the northern border. We have done that for many years because of immigration and drug problems.

The fact is, the danger today is more than just that. The danger today is the potential of terrorists sneaking into this country and committing an act of terrorism. We have 4 or 5,000 miles of border between the United States and Canada, a long border between two countries that get along well.

Up in my part of the country where we have border stations in the northern part of North Dakota, those stations close in many cases at 10 at night. Up until a year or so ago, the only thing that existed, once those stations closed, was an orange cone in the middle of the road. The impolite people who snuck into this country could shred that cone at 60 miles an hour. The polite ones at least stopped to remove the cone and put it back in place.

We have changed some of that but not enough. This is a long, porous border. If this country is going to provide the security it needs for the American people, then it has to have control of its borders. That means we have to fund the Customs Service, the Immigration Service, and the Border Patrol and have the coordination of those agencies that work together to do the job they know needs doing.

I am pleased to support Governor Ridge. I have great confidence in him. He is a great public servant. I am proud to say yes when they call the vote. He needs the tools. This man needs the

tools to do the job. You can't provide the kind of support we need for this country and the kind of investment we need to make sure we have security at our ports and airports, nuclear facilities, trains, and so on, you can't do that on the cheap.

One day—I pray this will not happen—another terrorist act may occur and something that we have failed to do here, something that we know we should have done will be pointed out as a flaw in the system. They knew this could happen, but they didn't do anything about it.

Let's make these investments now: Port security, watch lists, giving access to all of the law enforcement people, the names of terrorists and suspected terrorists, border security. Yes, at the southern border but also the northern border. Let's do these things together. We know right now that Osama bin Laden is somewhere in this world. At least we are told they think he is still alive.

Osama has been forgotten by some. The fact is, Osama bin Laden is a dangerous guy. We don't know where he is. We don't know where Omar is. The terrorist al-Qaida cells are still a very serious problem. Homeland security is critically important. That is why I support this nomination.

This nominee is a quality person who can do this job, but he can't do this job without the tools. We, the administration and the Congress, have to own up to that and make the investments necessary that will protect this country against the threat of terrorists.

Just a couple of months ago, the head of the FBI said the danger of a terrorist attack is as high today or higher than it was September 10, the day before the devastating terrorist attacks.

I am proud to vote for Governor Ridge. I wish him well. I want to help him. I hope this administration and this Congress will do what is right to make the investments necessary to protect our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that after the Senator from Alabama has concluded his remarks, the Senator from Nebraska be recognized for up to 10 minutes.

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

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I rise to express my admiration for Governor Ridge. I have over the weeks and months observed him in his leadership role. I believe he has performed exceptionally well. This Nation was attacked on September 11. We remember that vividly. We also remember the Nation's determination to do a better job of protecting our homeland.

The President looked all over the country. He picked somebody to lead the effort to bring together State and local and Federal agencies in a way

that would enhance dramatically our ability to be safe from terrorist attack. It was not talk he wanted; he wanted leadership, he wanted action. So, he created the Office of Homeland Security in the White House right next to him.

He chose to head that critical agency someone he knew, someone he had grown to respect as a fellow Governor who had a record of achievement and excellence and professionalism. He chose a man who understood State agencies as well as Federal agencies. He chose a man who served in the U.S. Congress and who had served in the military, winning combat medals for his actions in Vietnam. He chose the kind of person we needed at that time.

It was a thankless task. Many said it could not be done. Many said we would not be able to prevent further attacks. Anybody taking that job had to know that they were taking great personal risk because anything that did happen would be their fault. They would have to answer for it.

I am so impressed with Governor Ridge. He took charge aggressively. He changed the way this Government did business. He took control of the situation by meeting with the heads of the Government agencies.

I used to be a Federal prosecutor for 15 years. I worked with the FBI and the DEA and Customs and the Coast Guard and all those Federal agencies—ATF, Secret Service, all of them. They act at times like foreign nations. They produce memoranda of understanding that are like treaties. It is difficult to make a move. They have their own agendas. They are charged by Congress to do A and B and C, and they are not interested in doing D. Maybe they should.

Tom Ridge took charge and dealt with the leadership of those agencies. Barriers were broken down to an unprecedented degree. Despite obvious results that we wish had been achieved but were not able to be accomplished, tremendous things were accomplished under the President's unequivocal leadership and the efficiency and leadership of Governor Ridge. I am proud of Tom and excited to have him take on that job.

Now that we have moved to the Department of Homeland Security with 170,000 people, I want to say this—I have shared this thought with him; I think he comprehends it—this Congress is not moving blocks and departments and governmental entities all cobbled together into some giant agency and just expecting it to be better than it was before. The very fact they are now one agency with one mission, should on balance clearly make the Department more efficient in our fight against terror. They have individual institutional biases and tendencies that may not be perfectly compatible with this new agency. It is going to take strong leadership. We don't need excessive administration.

I expect and believe and am excited about the potential for Governor Ridge

to use the force of his will, to use the mandate this Congress has given him, to use the confidence and support the President has in him to make sure those agencies realize, when they come together, that it is now a new organization, and we expect the greatest efficiency possible.

We expect the mission we have assigned to this agency will be the No. 1 guiding factor to make America safe, and we want them not to focus on bureaucracies and special interests and labor rules, but focus on making this country safe. I believe Governor Ridge understands that mission, and he is going to work with the employees to reach a higher degree of productivity than we have ever had.

I thank Senator COLLINS for her leadership. She is a master of this subject and has worked so hard at it. I will not say anymore. I am excited about the potential of this agency. We would like to see, frankly, this agency set a new standard for governmental efficiency and productivity. There is an opportunity here to do better. I believe we can. I am excited, and I will be supporting Governor Ridge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I thank the Senator from Maine for the opportunity to address the nomination of my good friend, Governor Ridge, for this important position that has been created to take care of homeland security.

I rise in support of the nomination for a number of reasons. While we were Governors, for 4 years we worked together within the Governors Association to make sure our States were taken care of; that the economies of the States were directed in an appropriate fashion; that we worked together to make clear the State issues before the Congress of the United States.

In that experience, I had the opportunity to see firsthand Governor Ridge at work for the benefit of his State and for our country. In the last few months, I have had that same experience of seeing him at work in his new role of developing the homeland security strategy, the homeland security approach that I think will truly bring about homeland security.

His background enables him in a very unique way to bring together local, State, and Federal agencies. It is truly an honor for me to be here today to say I am proud to support his nomination, and I look forward to working with him.

Last year, as we were finishing up the second session of the 107th Congress, Governor Ridge came to Nebraska and looked at the University of Nebraska Medical Center as a possible site for a biomedical laboratory as part of the homeland security effort to make sure we have the capacity to deal with any kind of bioterrorism that would require medical treatment and

for the detection of bioterrorist activity.

While he was there, we had an opportunity to look at the facility but I think in a broader sense of what we need to have in terms of laboratories around the country to work with the CDC and to work with others in this new role.

At the end of the year, we also had what appeared to be somewhat of a grab for one of those institutions in another part of our country. The then-majority leader agreed with a number of us that we would have a way to deal with this in a compromise this year. That majority leader passed it on to Senator FRIST, the new majority leader, to work this through.

A good-faith effort has been made—I am not totally convinced the language is as strong as I would like to see it, but clearly a good-faith effort has been made to resolve this issue so that the playing field is level so other institutions will be able to compete fairly to have the biomedical lab in their location based on the criteria.

To give an idea of how strong and supportive I am of Governor Ridge, I have been supportive of giving him, if you will, the total authority to set the criteria so that we do not set the criteria by law but he can by rule and regulation set the criteria and make the determination. That is the kind of support I think this gentleman will have from this Congress in so many different ways because of what he has been able to show and reflect in his work thus far. There will be total support along the way.

I am looking forward to the days ahead to work with Governor Ridge as he becomes Secretary Ridge in this very important responsibility.

On another matter related to this—and I do not come to the floor very often to talk about partisan politics or to respond to those partisan arguments that are sometimes made. I think typically they tend to derail us, distract us, and detract from the subject of the day. So yesterday when I heard someone talking about a partisan deficit as opposed to a deficit because some of us were supportive of firefighters, some of us were supportive of first responders and of police officers on the spot—recognizing that we ought not to simply have our pictures taken with these first responders as a matter of publicity or as a matter of PR; what we should, in fact, do is make sure we are supporting them financially—I was dismayed by what I heard and what I saw on a chart.

I wish to respond today because I think if we are going to focus on what homeland security is about, what Governor Ridge is focused on, it is about hometown security. If we are not secure in our hometowns, if we are not supportive financially in every way we possibly can, if we are not responding at the hometown level, the police officers, the firefighters, and the first responders of the emergency service

workers and all those who protect our water supply and who protect our food supply, we are not going to have homeland security. That is what it has been about these last several days. We may have different ideas about doing it, we may have a different philosophy whether we do it through this budget or whether we do it in another budget, but that is different than to say it is a growing partisan deficit caused by one group versus another.

If we are not going to support our firefighters and we are not going to support our police officers at the local level, then we ought not say we are for homeland security. One cannot be for homeland security if one is not for hometown security.

The fact is, there may be disagreements, but I think we ought to set aside the partisan rhetoric and work together to find a way to fund these very important services rather than to talk in a global sense, in a broad sense about homeland security. It sounds great, but the only way it works is if we are focused on what is happening in Charlotte, NC, what is happening in Lincoln, NE, what is happening in Bangor, ME—what is happening in the localities across our country. If we do not have security at the local level, this homeland is not secure, and none of us are truly safe.

I thank the Chair. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, I ask unanimous consent that for the remainder of the debate on the nomination of Tom Ridge to be the new Secretary of Homeland Security, that any quorum calls be charged equally to both sides.

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

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

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that 2 minutes of the time set aside for Senator LIEBERMAN be allotted to me.

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

Mr. REID. Madam President, Tom Ridge and I came together to Wash-

ington in 1982. We were new Members of Congress 20-plus years ago. He was a fine Member of Congress. He had the ability to work across party lines. When he became Governor of the State of Pennsylvania, I was excited for him. From all reports I have been able to obtain, he did a good job as Governor of the State of Pennsylvania.

When President Bush suggested he be head of the program to protect the American people from terrorists, I told the President I thought it was a good appointment, and I told Governor Ridge I thought it was important he make the change from becoming Governor to becoming the head of the new Department of Homeland Security.

His job has now been created as a Cabinet-level office, and I think Tom Ridge has earned his stripes. There are things he has done I have not totally agreed with, but most everything he has done I have agreed.

When he became head of this Department, I told Tom Ridge I would sit back and not cry out for a Cabinet-level office, but the determination was made by him, the President, and many others that there needed to be a Cabinet-level office created. I am glad that has happened. Tom Ridge will be a fine Secretary. He is a good man. He will have awesome responsibilities. This will not be an easy task. Secretary Ridge has the difficult job of merging the many departments, agencies and offices that now comprise the Department of Homeland Security.

I stand ready to help him as he seeks to complete this monumental undertaking.

We simply must not rest because we passed legislation to create the Department of Homeland Security. This law provides the framework for the new department, but only the new Secretary can take the pieces of the new department and make them function as a single, committed agency.

In Nevada, we still have daunting challenges and unfulfilled opportunities. I look forward to working with Governor Ridge to address these.

In particular, Nevada is faced with diminishing Federal resources and increasing State budget deficits at the same time that it must address new homeland security responsibilities. In fact, Nevada ranks near the bottom in the country in terms of funding for State homeland security efforts. With millions of tourists each year, this places an extra burden on Nevada. Most funding for emergency responders is based on population. But population alone does not determine the vulnerability of a city like Las Vegas.

At the Nevada Test Site, Nevada also has one of the Nation's premier centers for training emergency responders and other special counter-terrorism forces. Last February, Governor Ridge accepted my invitation and came to Nevada to observe the excellent training and counter-terrorism facilities at the Nevada Test Site. In the coming year, I look forward to having Governor Ridge

return and putting the full resources of the administration behind his project.

Protecting our nation from a future terrorist attacks will not be an easy task. Having a Secretary for the Homeland Security Department in place will ensure that the process of building the new Department begins soon.

As we continue to develop this new department, I look forward to working with Governor Ridge to ensure our Nation is secure.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The clerk will call the roll.

The 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.

Mr. REID. I ask unanimous consent that the time during the quorum call be charged equally against both sides.

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

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.

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

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

Ms. COLLINS. Mr. President, I ask unanimous consent that the vote on the nomination of Tom Ridge occur at 12:10 today, with all the other parameters for debate remaining. Further, I ask unanimous consent that immediately following the vote, the Senate then stand in recess until 2:15 today. Finally, I ask unanimous consent that when the Senate reconvenes at 2:15 today, there be 5 minutes for debate equally divided between Senators NICKLES and REED or their designees prior to the scheduled vote.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I would add we are moving action along quite well. We have a number of amendments pending after we dispose of the Reed of Rhode Island amendment. We are working with Senator STEVENS to get a number of votes lined up for later this afternoon. We are going to go to the agriculture amendment soon. That is in the previous order.

I have had a number of inquiries made. We will probably be in late tonight; that means later than 7 p.m. or so. People will have to cooperate if they have amendments to offer. I hope they will limit the time on these amendments. The two leaders have spoken at some length today about trying to move this along. I hope people will cooperate.

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

Mr. LEVIN. Mr. President, today I look forward to the Senate's speedy confirmation of Governor Ridge to be the new Secretary of the Department of Homeland Security. I believe that Governor Ridge is the right person for the job, and I strongly support his selection to head the new department.

The challenge before Governor Ridge is massive: 22 agencies with over 170,000 people must be reassembled under one umbrella. These agencies and their personnel need to communicate with each other, to work together, and to begin retooling their operations to increase the protections needed to secure America's safety and well-being. Again, it is a massive job.

But Governor Ridge is not the only one who needs to roll up his sleeves. The Congress also has work to do on homeland security, first by enacting legislative repairs to the Homeland Security Act. This Act passed at the end of the last Congress using a hastily written bill that discarded many important provisions that had been worked out on a bipartisan basis. My colleagues and I identified a number of these problems during Governor Ridge's confirmation hearing before the Governmental Affairs Committee last week.

First, the Homeland Security Act leaves the intelligence community without clearly defined roles and creates the possibility for unnecessary and costly duplication of effort. Language addressing the coordination and analysis of intelligence issues was included in the bipartisan bill reported out of the Senate Governmental Affairs Committee, but the key language was dropped from the final Homeland Security Act. The goal of this language was to lay out clearly which agency had primary responsibility for analyzing information about foreign intelligence, and avoid having the new Department of Homeland Security duplicate the work of the Counter Terrorist Center, or CTC, at the CIA. Specifically, the language would have provided that the CTC has the primary responsibility for analysis of foreign intelligence and gave the DHS the primary responsibility of taking that foreign intelligence and mapping it against threats to the U.S.

At his confirmation hearing, Governor Ridge indicated that he agreed with maintaining the CTC's primary role on analyzing foreign intelligence. In fact, when I asked Governor Ridge: "Will you duplicate the CTC?" he responded: "It is not our intention to replicate the CTC with respect to foreign intelligence. Our intention is to use foreign intelligence from the CTC to match threats with vulnerabilities." When asked which agency was intended to have primary responsibility to analyze foreign intelligence, Governor Ridge responded: "the CIA." Those were precisely the answers in the bipartisan Senate approach.

On January 18, the Washington Post reported that President Bush had de-

cidated to "leave responsibility for collecting and analyzing foreign intelligence on terrorists with the CIA, and to have the homeland security agency perform further analysis aimed at protecting U.S. infrastructure." Again, this is exactly the approach taken in the earlier, bipartisan Senate bill. I am hopeful that the Department will continue to follow the framework set out by the President and Governor Ridge, and that he and the Congress will take any steps needed to restore the clear language on intelligence responsibilities in the Homeland Security Act.

A second problem I have with the Homeland Security Act is the section of the law that exempts the agency from complying with some aspects of the Freedom of Information Act, FOIA, the key Federal statute helping the public keep track of what their government is doing. Government bureaucrats often don't like FOIA requests because they take time and resources to answer. Many would like to reduce the public's right to know.

That's what happened in the Homeland Security Act. Language was added to that law that unnecessarily limits the use of FOIA.

Last year, Senators LEAHY, BENNETT, and I worked out a FOIA compromise which was included in the original Senate Governmental Affairs Committee bill. At the homeland security markup, we were told that the Administration supported our compromise language. But this compromise was ultimately dropped. Instead, the Homeland Security Act cuts back on the public's right to know what its government is up to by expanding the types of information that the new department can keep shielded from the public, including unclassified information about "critical infrastructure" issues involving such matters as electrical grids, computer systems, or water treatment facilities.

There is a related problem with the HSA language barring use of critical infrastructure information in civil proceedings. Suppose the DHS gets information submitted by a chemical company indicating a chemical plant is in danger of releasing a toxic gas due to a vulnerability in its critical infrastructure. The statute ties the hands of the DHS, barring it from disclosing the information in court without the chemical company's consent. The statute even bars the DHS from giving the information to another agency such as the Environmental Protection Agency, EPA.

What's more, a whistleblower within the DHS or the EPA could be thrown in jail for disclosing this unclassified information. Even a member of Congress who releases the information presumably could be, under some circumstances, jailed! I find this to be incredible. Limiting the public's right to know and jailing whistleblowers isn't the direction we should be going and is not necessary to protect America.

At the Governmental Affairs hearing, Governor Ridge seemed to agree that

criminalizing whistleblower disclosures of unclassified critical infrastructure information was not the intent of the Homeland Security Act. I am hopeful that Governor Ridge will help us to remedy some of the FOIA problems caused by the Homeland Security Act and restore the bipartisan compromise worked out in our committee.

Another problem requiring prompt action is to get adequate funding to the agencies charged with homeland security. Because of the failure of Congress to pass appropriations bills, the key Federal agencies at the front lines of protecting our homeland have gone underfunded in the first 3 months of this fiscal year. Now, the Republican majority has come up with an Omnibus Appropriations bill that inadequately funds vital homeland security needs for FY 2003. For example, \$362 million is not provided to the INS for the Entry-Exit system, which would track the arrival and departure of non U.S. citizens; \$265 million is cut from the INS for construction of border security facilities; \$92 million is not provided for FBI information technology enhancements; \$8 million is cut from the Customs Service container security initiative; and \$132 million is cut from FEMA first responders. I supported an amendment in the Senate that would have provided \$5 billion to address these and other homeland security priorities in the Omnibus Appropriations bill which was defeated. By underfunding homeland security, and promising billions of dollars in tax cuts instead, we have delayed the delivery of urgently needed dollars to the very agencies charged with protecting us from terrorist attacks. The administration's priorities are misplaced and need to be corrected.

Finally, the Homeland Security Act authorizes funding for various homeland security grants, such as grants for first responders and grants for new science and technology equipment. People in Michigan and all our States are eager to gear up to fight terrorism, but it must be a Federal/State partnership. It is unacceptable for us to simply tell the States what they must do and then expect them to somehow find the money to take on new and vast responsibilities. One central office has to be designated as the place to find out about the Federal grants that will be awarded and administered by the Homeland Security Department and all of its many components. And in the interim, it would be helpful for the Department to provide numbers to call and people to contact who can give out this information. In a meeting in my office, Governor Ridge indicated that he agreed that an interim number would be helpful.

I look forward to a quick confirmation of Governor Ridge. I also call on my colleagues to begin the work needed to remedy the remaining problems with the Homeland Security Act.

Mr. LIEBERMAN. Mr. President, I rise to speak in support of the nomina-

tion of Governor Ridge to become the first Secretary of the Department of Homeland Security.

I do so with the utmost confidence in the personal integrity and professional ability of Governor Ridge. We in America should honor and support public servants who take on challenges as difficult and daunting as this one. This will be one of the hardest, and, instantly, one of the most important jobs in Government. We are in the midst of a crisis. We are at war. Raising our guard is an urgent task, and it falls to this new Secretary and those under his command to close our many vulnerabilities as quickly and effectively as possible. I believe that Governor Ridge, from his experience in the Congress, as Governor of Pennsylvania, and of course over the last year as the director of the White House Office of Homeland Security, is very well prepared for the job. I am confident that this Department, which I have worked hard for over a year now to try to bring into being, will be in good hands.

But at the same time, I must express my deep doubts as to whether the administration in which Governor Ridge serves has done enough to make the Nation safer, and as to whether going forward it has the strong vision and strategy, as well as the necessary fiscal commitment, to improving America's security.

Based on its design, the establishment of a Department of Homeland Security ought to be a great leap forward in our homeland defenses. We will at long last consolidate more than two dozen agencies and offices and organize them in a logical, accountable, and strong chain of command. And at the top of the agency, we will have a single cabinet secretary with budget authority who will be held accountable to the Congress and to the people.

But getting there from here is no small task. It is both a tremendous opportunity and a sobering responsibility. Creating this Department will be the largest and most complex Federal Government reorganization since the 1940s, and demands a strong partnership between Congress and the executive branch.

Let me say for my part, as one who fought for the new Department for more than a year, in the Governmental Affairs Committee and on the Senate floor, that I plan to do everything I can to ensure that the Department has the resources and the support it demands and deserves, because this is the most urgent responsibility our government has today. We must strive to do this together, across party lines. For generations, we in the Congress have managed to elevate support for our armed services above partisan politics, and we must do the same for homeland security. At the same time, we must work together to oversee the organization, the long-term strategy, and the day-to-day operations of the Department. That is our obligation to the American people. But I have never been under the

illusion that reorganization itself would, by itself, be the solution to our homeland security challenges. It was only always the necessary first step. Having the right structure is no guarantee of success. We also need the right people, policies, programs, and resources.

And in this area, the administration's homeland security efforts over the past year and three months have left much to be desired and much to be done. After many months of raising our guard, America is not nearly safe enough. It is no exaggeration to say that the holes in our defenses are not getting demonstrably smaller. According to almost every independent assessment produced in the past few months, America remains dangerously vulnerable to terrorist attack. The most persuasive of these, in my view, was produced by Former Senators Hart and Rudman, the men who, long before we were attacked, were calling for our government to reshape itself to better guard against the threat of terrorism.

Last year, Senators Hart and Rudman headed a second task force intended to assess the progress made since September 11 and recommend urgent reforms. That task force released its report last October. I quote from its introduction: "America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil. In all likelihood, the next attack will result in even greater casualties and widespread disruption to American lives and the economy." In our committee hearing last week, Governor Ridge indicated that he fundamentally understands the amount of work we have left to do. I appreciate that. He and I disagree about how much has been accomplished over the past year, but I am grateful we share the same understanding of the size and scope of the challenge that remains.

Let me repeat some of the hard facts about our remaining vulnerabilities: Our local and State law enforcement officials are operating in a virtual intelligence vacuum with no access to the terrorist watch lists that the State Department provides to our immigration and consular officials. In the words of the Hart-Rudman report, this means that, when it comes to combating terrorism, "the police officers on the beat are effectively operating deaf, dumb, and blind." That's unacceptable, and in my view, the administration has taken very small steps at best to fix this problem; containers, ships, trucks and trains entering the United States over our borders and through our ports are subject to hardly any examination. Of the 21,000 shipping containers that come through our ports every day, no more than 2 percent, that's about 400, are inspected. The administration has begun to address this problem, trying to balance the competing demands of security and commerce, but we remain dangerously at risk; our first responders are unprepared for potential chemical or biological attacks. They lack the necessary

training, and their communications systems are in most cases incompatible with one another. Again, I know the administration has talked about fixing this problem, but solutions have yet to materialize; we must make better use of our National Guard's effectiveness and expertise here at home. I have put forward proposals suggesting how our country can do that but again, I have heard few ideas or directives from the White House on this front. We lack effective vaccines and medicines to counter the vast majority of biological and chemical weapons. I have put forward comprehensive legislation to spur the private sector development of these countermeasures. Our attempts to engage the administration in a conversation on meeting this urgent need have fallen on deaf ears.

I believe it is unnerving and unacceptable that we have not come further faster. Bureaucratic inertia is a powerful force. That's why the Homeland Security Act which we passed and the President signed needs to be implemented boldly and aggressively.

Governor Ridge seems to understand this, upon being appointed the President's Homeland Security Advisor, said that, "The only turf we should be worried about protecting is the turf we stand on." And while he has tried his best to honor that statement, I am not yet convinced that the administration as a whole is prepared to live up to that rhetoric. Let me give you one crucial example of an area in which a generally reactive rather than proactive mindset is already producing serious problems: intelligence collection, dissemination, and analysis.

We now know that the failure of our intelligence agencies to connect the dots on September 11 was the single greatest error among many glaring failures. Nevertheless, the Bush administration has thus far failed to challenge or change the status quo of the intelligence community to fix what is broken.

On paper, the passage of the new Homeland Security Act has ushered in a new era. The bill creates a single all-source information analysis and infrastructure protection unit within the new Department. We had a lot of discussion and debate over the roles and responsibilities of this new unit, would it be focused only on protecting critical infrastructure, or would it be designed to help do what we didn't do before 9/11, namely "connect the dots" to prevent attacks before they occur. In the end we compromised: it would do both. But I am very disturbed by indications that the administration believes the primary responsibility of the new Department's intelligence unit is to protect critical infrastructure, and that performing analysis to prevent attacks is peripheral or secondary at best.

The fact is, we can imagine horrific terrorist attacks that are not against critical infrastructure but against people, a bomb in a shopping mall or a bio-

logical agent dropped from overhead onto city streets. It makes no sense for the Department of Homeland Security's intelligence division to put on critical infrastructure blinders rather than assessing and processing all information related to terrorist attacks against Americans here at home.

This is an absolutely central question, not in any way a semantic distinction. The question here is whether the new Department will systematically work to prevent all terrorism, or whether it will have the much narrower mission of protecting critical infrastructure.

During the long debate over the legislation creating a Department of Homeland Security, the Senate Governmental Affairs Committee held hearings focused specifically on the intelligence mission and information needs of the new Department. We analyzed the Administration's original legislation and determined that the information analysis and infrastructure protection directorate it proposed was too narrowly focused and would not have the access to information it needed to "connect the dots", and therefore prevent future terrorist attacks. We proposed separate directorates for intelligence and for critical infrastructure which would be headed by separate, Senate confirmed Under Secretaries. This was to make it clear that the intelligence function in the Department would be focused on its full range of missions, preventing attacks, improving border security, better informing our emergency response activities, and, yes, protecting critical infrastructure.

The administration resisted this approach, and insisted that the directorate be headed by a single Under Secretary. However, they agreed that separate Assistant Secretaries, one for information analysis and another for infrastructure protection, would head up two distinct entities in the directorate. And it was clear that the Directorate would be focused on detecting and preventing attacks, as well as protecting critical infrastructure.

As a result the language in the Homeland Security Act reflects a compromise. It makes clear that the mission of the Information Analysis and Infrastructure Protection Directorate includes detecting and preventing all terrorist threats against our country, not just those against critical infrastructure.

Regrettably, long after our deliberations finished, long after the bill was signed, the Administration has apparently now decided that no compromise was reached, that the position in the President's original proposal was adopted by the Congress. Let me make clear: that is a false interpretation, and it is one which, if unchallenged, will mean that the Department of Homeland Security will, from the beginning, have abdicated one of its most vital functions, that is preventing acts of terrorism against the American people.

The legislative history is clear, yet the administration is apparently intent on creating an intelligence unit narrowly focused on protecting only critical infrastructure, rather than preventing any and all acts of terrorism against the American people on our home soil. This is not what we agreed to, and it is not what America needs. I will continue to insist that the administration fulfills the intent of the legislation we passed.

Finally, let me say a few words about the critical problem of insufficient funding, which has so far hamstrung and hobbled our efforts to better protect America. We have dozens of Federal agencies, including many that are being consolidated into the new Department of Homeland Security—that are in the midst of urgent work post-September 11. The Coast Guard, Border Patrol and others need to train their employees and invest in new technology. They need to pay bills for expensive investments they have already made. But this administration isn't providing them with the necessary funding . . . and some in Congress are not rising to the challenge either.

Indeed, just last week on the Senate floor, the Republican leadership rejected a \$5 billion package of investments in homeland security programs.

The problem is especially pressing at the local level. Local and State first responders, who are also our first preventers of terrorism, are not getting the support they need, despite promise after promise from the administration. Late last year, the President inexplicably blocked \$2.5 billion in emergency spending that could have gone to federal agencies and state and local officials for their homeland security efforts. That was wrong.

This war on terrorism cannot be won with wishful thinking. It will take strong leadership and a lot of money. It will take real, not rhetorical, partnership among every layer and level of government. It will take talent, training, and technology. And it will take tireless effort on the part of thousands of Federal employees.

All this will soon fall on Governor Ridge's broad shoulders. I do not doubt his talent or his commitment to the job. I have confidence in his competence. But unless and until this administration strengthens its strategy, corrects its long-term vision, and puts its money where its mouth is, and does all these things urgently, the hard work of a good man, and of the thousands of men and women in his charge, will not be enough to make America as safe as we must be.

Mr. LEAHY. Mr. President, today the Senate considers President Bush's nomination of Director Tom Ridge to be the first Secretary of the new Department of Homeland Security. The real question, however, is not whether the Senate will support the new Department or Director Ridge. I have no doubt that we will. Indeed, the proposal for establishing this Department

was born in the Senate, and both that proposal and Director Ridge have enjoyed widespread bipartisan support even during the many months that President Bush was threatening to veto any new cabinet level Department of Homeland Security.

Rather, the real question today is whether the President will continue to support the new Department with more than words, or whether having used the Senate proposal for political purposes in the last election, he will now simply disengage or move on to other matters.

The initial signs are not good. Even as we debate the confirmation of Director Ridge, the administration is trying to push through Congress a massive tax cut that will benefit most the wealthiest Americans at the same time as massive spending cuts in vital homeland security measures. These reductions include slashing grants to state and local first responders as well as cutting FBI agents and FBI computer upgrades. These are key homeland security measures.

When we voted to establish the new Department of Homeland Security, I warned that it would not be enough to just shift agencies from one building to another or to rewrite some boxes on an organizational flow chart. While reorganization was a good first step, I warned that reform was what was needed, and it still is.

Reform is a much more difficult task than reorganization. It takes persistence and hard work, and reform cannot be accomplished by one branch of government or one party working unilaterally. True and successful reform will require us to work together. It will require Republicans to work with Democrats in the Congress, and it will require the President and the new Secretary of Homeland Security to work with the Congress.

Unfortunately, the track record of the administration in working in a bipartisan manner with the Congress on the homeland security is not a good one. When Director Ridge first assumed his current position, we in the Senate were anxious to hear from him how the Administration was working to protect the homeland. In fact, the Judiciary Committee was the first Committee to invite him to testify after the 9/11 attacks. Unfortunately, for months, the administration refused to allow Director Ridge to testify and tell Congress what he was doing. The President opposed establishing a new cabinet level department in part to avoid such Congressional oversight.

That position changed only after congressional oversight highlighted the problems at our agencies charged with protecting our domestic security from international terrorists. I remember well the day when the President reversed his position and decided to support a new Department of Homeland Security. It was on the morning of June 6, 2002, when the Judiciary Committee was holding nationally televised hearings highlighting the testi-

mony of FBI whistleblower Coleen Rowley, who was selected as one of Time Magazine's "People of the Year" for 2002. Moments before we began our hearing, the White House announced that it would support a new department, but the President's proposal was long on rhetoric and short on details. Indeed, there was not even a written legislative proposal when the President went on television that night to talk about his welcome change of heart.

Eventually, we got a very brief legislative proposal, but the administration candidly admitted that it was a work in progress. Along with that first draft came a promise from Director Ridge, who ran the Administration's legislative effort, that "We will work together on this." Director Ridge repeated that promise when he testified before the Senate Judiciary Committee on June 26, 2002, stating that he was "anxious to work with the Chairman and other members of the committee to assure that the concerns that [I had] raised are properly addressed." He assured us that "[t]his Administration is ready to work together with you in partnership to get the job done. This is our priority, and I believe it is yours as well."

That is precisely what we in the Senate tried to do. We negotiated in a bipartisan manner to work out our many differences on the bill. The work was not easy.

For example, I worked with my friends Senator LEVIN, Senator LIEBERMAN and Senator BENNETT to reach a responsible compromise on the administration's proposal to gut the Freedom of Information Act with an overly broad exemption that would have given more protection to certain information handed over by private companies and businesses than we give to classified government information. We reached a bipartisan agreement that satisfied both sides and the White House agreed to the compromise language.

I also worked with Senator GRASSLEY to address the omission of whistleblower protections from the bill, and we crafted a bipartisan amendment to actually improve existing whistleblower protections as a homeland security measure. We also sought to include the bipartisan FBI Reform bill in the measure so that we could do more than simply move the deck chairs around in the homeland security measure. There were many examples of such bipartisan efforts to address real problems in our Nation's domestic security and improve on the administration's bill.

Unfortunately, in the end, the administration did not keep the promise to "work together" on the homeland security bill. Instead, the final bill was written by a small group of Republicans, working in secret with the administration. The bill was quickly rammed through the House, which promptly adjourned so that no compromise or debate could occur between

the two chambers. Our bipartisan FOIA agreement was jettisoned and the overly broad administration proposal was inserted. The administration's new FOIA-gutting law also for the first time makes it a crime for any Federal Government employee, including Members of Congress and their staffs, to leak or disclose any private business information that the business wants to keep secret. Is this an effort to crimp congressional oversight and control the flow of information to the American people? We will see how this administration wields this new power.

The bipartisan FBI Reform Act was omitted from the administration's Homeland Security bill entirely. The bipartisan amendment strengthening whistleblower protections was also left out so that current whistleblower protection, with all of its flaws, simply applies to the new Department. These protections will mean nothing without vigorous enforcement of these laws by the administration. The leadership of the new Department and the Office of Special Counsel must work to encourage a culture that does not punish whistleblowers, and the Congress, including the Judiciary Committee, must continue to vigorously oversee the new and other administrative departments to make sure that this happens. I appreciate Director Ridge's comments at last Friday's hearing before the Governmental Affairs Committee when he stated, "there's specific language in the statute that reminds the secretary and reminds everyone associated with the new Department that there shall be no reprisals for legitimate whistleblower activity."

Gone too were other protections for the federal employees who have spent the last year and a half of their lives protecting our country against terrorist attack. Inserted, instead of these important security measures, were pet provisions benefitting Eli Lilly and Texas A&M, to name a few.

And now we hear a familiar promise. "Don't worry. We will work together to reform." We will work to "clarify" the protections for vital whistleblowers; work to ensure that the best federal workers don't leave the Department; work to make sure that the INS operates better and that the FBI reforms itself.

I only hope that, once he is confirmed, Secretary Ridge will work with us in a bipartisan manner.

Our best defense against terrorism is improved communication and coordination among local, State, and Federal authorities; and between the U.S. and its allies. Through these efforts, led by the Federal Government and with the active assistance of many others in other levels of government and in the private sector, we can enhance our prevention efforts, improve our response mechanisms, and at the same time ensure that funds allotted for protection against terrorism are being used most effectively. Indeed, Governor Ridge

stated at the hearing before the Governmental Affairs Committee last Friday that "all 50 states and territories have appointed homeland security advisers that participate regularly in meetings at the White House and in bi-monthly conference calls with the Office of Homeland Security." I appreciate that the local officials of Vermont will have a "single entry point to address many of the homeland security concerns."

At the same time that the Department of Homeland Security works to protect the safety of Americans, it is essential that Secretary Ridge makes sure to protect the freedoms of Americans. Recent press reports have warned that the Department will turn into a "supersnoop's dream" because it will allow creation of a huge centralized grand database containing a dossier or profile of private transactions and communications that each American has had within the private sector and with the government. Indeed, in section 201, the bill authorizes a new Directorate for Information Analysis and Infrastructure Protection to collect and integrate information from government and private sector entities and to "establish and utilize . . . data-mining and other advanced analytical tools." In addition, in section 307, the bill authorizes \$500,000,000 next year to be spent by a new Homeland Security Advanced Research Projects Agency, HSARPA, to make grants to develop new surveillance and other technologies for use in detecting, preventing and responding to homeland security threats.

We do not want the Federal Government to become the proverbial "big brother" while every local police and sheriff's office or foreign law enforcement agency to become "little brothers." How much information should be collected, on what activities and on whom, and then shared under what circumstances, are all important questions that should be answered with clear guidelines understandable by all Americans and monitored by Congress, in its oversight role, and by court review to curb abuses.

I appreciate Director Ridge's promise at last Friday's Governmental Affairs' Committee hearing that "[a]ny new data-mining techniques or programs to enhance information sharing and collecting must and will respect the civil rights and civil liberties guaranteed to the American people under our Constitution."

The reorganization is done, but the hard work of reform lies ahead. The FBI, the INS, and other important government agencies must improve their performance, and they need the support of both the Congress and the Administration to do so. The new Department of Homeland Security cannot "go it alone." The Congress now will have an imperative to monitor vigilantly and responsibly the implementation of the new Department. It is essential that Governor Ridge work with Con-

gress as the Director of Homeland Security. Governor Ridge stated before the Governmental Affairs Committee last Friday that he is "going to do [his] very, very best to respond to whatever requests [he] get[s] from Congress of the United States, because we need to not only build this Department together, but we need to sustain and make sure that we work together to make it as effective as possible." We will hold him to this promise.

We must work together to effect reform. It is time to match the rhetoric and make that promise come true. I offer my assistance and wish Director Ridge all the best in his new job. Too much depends on it for Director Ridge to fail.

Mr. GRAHAM of Florida. Mr. President, I rise today in support of the nomination of Governor Tom Ridge as the first Secretary of the new Department of Homeland Security.

Sixteen months after the terrorists turned airliners into missiles and leveled the World Trade Center and damaged the Pentagon, the creation of a Department of Homeland Security and the speedy confirmation of Governor Ridge will contribute to the safety of our Nation.

Today's confirmation comes after a long struggle over the granting of statutory authority for a Department of Homeland Security. I was an early proponent of statutory authority, recognizing that the additional powers of cabinet level authority were required for the individual tasked with our Nation's security.

After Governor Ridge was appointed last year, Paul C. Light, Director of Governmental Studies at the Brookings Institution, and I wrote two op-ed pieces for the Washington Post that evaluated the performance of Governor Ridge as the director of the White House Office of Homeland Security. I will submit these for the RECORD.

What we found was that Governor Ridge was not able to do his job without statutory authority. While he had access to the information and people needed to do his job, he lacked impact. Despite influence in the budget and personnel process, the Governor's authority over the operations and management of the homeland security establishment was weak. Even with a talented staff, his input in selecting other key administration personnel was unclear.

Mr. President, that is why today I am voting in favor of Mr. Ridge's confirmation. While it is not a panacea to our Nation's security concerns, it is a step in the right direction. Giving Governor Ridge the authority to be in charge of the Department of Homeland Security will provide him with the ability to order the changes required in our newest security apparatus.

Ultimately, the reorganization of 22 agencies and 170,000 Federal employees is going to take months, if not years, to accomplish. The reality is that Americans are still vulnerable to addi-

tional terrorist attacks and the Federal Government is not adequately preparing for that threat.

Right now, we are relying heavily on the intelligence community and the FBI as the front line in our battle against terrorism. And I remain concerned about the FBI's lack of preparation and failure to answer some of the most fundamental questions about suspected terrorists who sleep among us like how many operatives of terrorist groups are within our borders.

The sooner we act to have an agency that can coordinate and provide a clear line of authority for our nation's security, the better equipped we will be to protect our nation.

I ask unanimous consent the op-ed pieces to which I referred be printed in the RECORD.

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

[From the Washington Post, Apr. 24, 2002]

A NEW JOB FOR TOM RIDGE

(By Bob Graham and Paul C. Light)

Last fall we set seven criteria for measuring Tom Ridge's performance as President Bush's appointed director of homeland security ["Tools for the Homeland Security Chief," op-ed, Nov. 22]. Although we were skeptical about whether he could do his job without statutory authority, members of Congress decided to defer to the president, who said Ridge should be given the benefit of the doubt to begin carrying out his important mission.

Over six months into his task, Ridge has had both success and frustration. He clearly has access to the information needed to do his job, which was our first criterion for evaluating his office. But that information is still muddy, its sources many, and its usefulness often mixed—as evidenced by the color-coded system of vague threat warnings his office developed. Ridge has also had access to key decision-makers such as the president, vice president and attorney general, which was our second criterion. What he apparently has not had is success in making his case on the need for sweeping reorganization of the nation's troubled homeland security agencies.

Unfortunately, no one knows for sure just what he believes about the need for reorganization—as a White House staffer, he has not been given permission to testify before Congress. There are reports that he wants much more than mere tinkering with the Immigration and Naturalization Service (INS), Border Patrol, Customs Service and other agencies. If this is true, he has not been successful in making his case. He may have access, but what he truly needs is impact.

Ridge has had his greatest success in the budget and personnel process, our third criterion. Homeland security agencies such as the INS and Coast Guard would receive more money and personnel under the new Bush budget than they could ever have expected during ordinary times. But as Ridge has argued in making the case against his testifying before the Senate Appropriations Committee, he has no power to spend, obligate, or audit money. At the end of the day, agencies must put their trust in the president's budget office for the dollars and personnel they need. That reduces Ridge's clout in ensuring that those dollars will be spent in a manner consistent with the overall plan for homeland security.

As for our fourth, fifth and sixth criteria—his staff, executive office space, and role in

selecting key presidential appointees—Ridge has had mixed success. He is still running a minimalist, though apparently talented, operation, and he is still looking for office space within shouting distance of his home in the Old Executive Office Building. But it is not at all clear that he has had a role in selecting key personnel such as the new nominees to be surgeon general or director of the National Institutes of Health—both essential players in the fight against bioterrorism.

Ridge does not have much say over the operations and management of the homeland security establishment, which was our seventh and final criterion. As the recent events at INS suggest, homeland security depends on agencies' being properly structured, staffed and led. The homeland security workforce is willing and patriotic, but its organizational infrastructure is weak. Yet Ridge can only stand on the sidelines as the media reveal one weakness after another in our security system. He can cajole, advise, influence, and arm-twist, but he cannot order anyone to do anything for good or ill.

Ridge himself may have made the most persuasive case for a stronger office of homeland security in a little-noticed speech recently. Appearing before an association of state and local emergency management officials, Ridge talked about the need for more coordination, better technology and simple accountability.

"As part of our consideration of the new 21st-century border, we are presently considering a range of options that goes from simply a new technology architecture that puts it all on the same database to a series of consolidations that could ultimately involve four or five departments," he told the National Emergency Management Association. "There is no line of accountability. As you take a look at 21st-century borders, you have got to have somebody in charge."

We believe it is time to nominate Tom Ridge for that job, both literally and figuratively.

The Senate Governmental Affairs Committee is ready to begin moving a bill that will create a Cabinet-level Department of Homeland Security, with its director to be confirmed by the Senate. The need for that authority is clear as our war on terrorism moves into the next phase.

Sen. Bob Graham (D-FL) is chairman of the Senate Select Committee on Intelligence. Paul C. Light is vice president and director of governmental studies at the Brookings Institution.

[From the Washington Post, Nov. 22, 2001]

TOOLS FOR THE HOMELAND SECURITY CHIEF

(By: Bob Graham and Paul C. Light)

Former Pennsylvania governor Tom Ridge has been on the job as homeland security director a little less than a month and a half now, and it is important to respect the president's wish that he be given time to settle in before Congress begins to move legislation to strengthen the authority Bush assigned him in his executive order.

But it is also important to lay down some criteria for evaluating his new office in the weeks and months ahead. Americans need a yardstick against which to measure this crucial job, while Congress can more responsibly assess whether Ridge needs the additional powers that can be granted only through permanent law.

These criteria range from the seemingly mundane to the broadest of goals, but we're convinced that all will prove important as Ridge finds his way in political and official Washington.

1. Ridge needs to be first in line for information.

It's hard to tell just who gets information at what point on the homeland security front. What we do know is that Ridge needs

to get the first call from the front lines, not the last. He also needs to have access to all paper moving in and out of the Oval Office, including all briefing documents from the National Security Council, if he is to have any chance of influencing key decisions.

2. He needs access to the principals. The Office of Homeland Security cannot succeed if Ridge can't call meetings with Cabinet members and the heads of the agencies he coordinates. He should meet with his counterparts in the Cabinet, not their deputies.

3. Ridge needs to be a gatekeeper in the budget and personnel process.

Two things matter in bureaucratic politics: money and people. If Ridge is to have any hope of persuading agencies to work together, he must be able to influence the budget process and the allocation of new employees. Without access to these levers, his sole power rests on the president's willingness to intervene on his behalf, which in turn rests on Ridge's readiness to play this trump card.

Decisions are being made about the allocation of \$20 billion in emergency spending that Congress has approved for homeland security. And the Office of Management and Budget is making the key marks on fiscal 2003 budgets, including dollars for new employees. If someone from the Office of Homeland Security is not involved in those meetings, Ridge will have lost a critical lever to force needed cooperation.

4. Ridge needs a permanent staff that owes its loyalty to him, and him alone.

Ridge has made some very good appointments to his team, several of which were announced Tuesday. But many of the members of his staff are still "detailees" from a variety of federal agencies, including some from agencies he has been asked to oversee in his effort to build a strong homeland defense. No matter where they come from, Ridge should ask all those on his team, including temporary employees, to fill out the same financial disclosure forms that other White House staff must complete. That is part of ensuring the legitimacy of his effort.

5. He needs a staff within shouting distance.

Ridge has been given an office in the West Wing, close to the Oval Office and his longtime friend the president. But most of his staff will be housed miles from the White House or even the Old Executive Office Building, which former vice president Walter Mondale once described as like being in Baltimore. Ridge's staff could end up being distant players, both literally and figuratively.

6. Ridge needs a say in the selection of appointees at the agencies he oversees.

As of this week there were still 35 vacancies among the 164 Senate-confirmed positions in agencies central to the war on terrorism and homeland defense. Ridge should have a say in choosing the 14 appointees yet to be named, including the deputy director of the Federal Emergency Management Agency, the director of the National Institutes of Health and the candidate for commissioner of the Food and Drug Administration.

7. Ridge needs to be involved in all management reviews of the homeland defense establishment.

Under the Government Performance and Results Act, every federal agency is required to submit an annual performance plan outlining its agenda for action. Ridge should be asked to approve those plans, and should be given access to all Office of Inspector General audits and investigations in any of the agencies he coordinates. Ridge should be given a role in helping rebuild the homeland security workforce and should be consulted on all legislation regarding homeland security.

These criteria go to the essential questions of Tom Ridge's ability to get what he needs, and the government's ability to give what he asks.

On Oct. 8, the day he was sworn in, Ridge noted that he and his office had been given "an extraordinary mission," then added: "But we will carry it out."

We hope he is given the right tools to do so.

Ms. MURKOWSKI. Mr. President, I come to the floor today to offer my support for the confirmation of Governor Ridge as Secretary of Homeland Security. President Bush chose wisely when he nominated Tom Ridge to head this new department. Governor Ridge's adeptness in politics won him six terms as a United States Congressman and two terms as Governor of Pennsylvania. In both positions, he was praised for his intelligent leadership and attention to detail. His service in the military, in which he received a Bronze Star for Valor in Vietnam, only adds more credit to his name.

While my colleagues can further attest to Mr. Ridge's accomplishments, I would like to focus my attention on the impact that Homeland Security has on my State, and I encourage Mr. Ridge to consider Alaska's security as a means of enhancing National Security.

With nearly 50 percent of the total Coastline of the United States, Alaska has much to gain from the new Department of Homeland Security.

Our coastal communities rely on a free-flow of air and maritime traffic to meet their daily needs. Any interruption in this traffic could imperil our isolated communities.

Twenty percent of our Nation's domestic oil supply flows through the Trans-Alaska Pipeline, which spans some 800 miles from Prudhoe Bay in the north, to Valdez in the south. The Valdez terminal is the northernmost ice-free port in the United States. Its protection, therefore, is crucial to the safe and effective transport of Alaska Crude oil to the West Coast.

Another port of importance to my State is the Port of Anchorage. Nearly 80 percent of all goods destined for Alaskan cities flow through the Anchorage Port. These communities, many with populations smaller than 100 people, rely on the Anchorage Port to remain open. Providing for the security of the Port of Anchorage is essential to the well-being of the Alaskan people.

In addition to commerce, most of the people in Alaska's coastal regions rely on the Fishing industry for jobs, generating nearly half a billion dollars for the State annually. With approximately 1200 groundfish vessels operating in Alaskan waters, harvesting nearly 2 billion pounds of groundfish every year for U.S. and foreign consumers, Alaska's position as a fish leader is unquestionable. Fishing in Alaskan waters is an issue of security. The ability to maintain our own domestic food supply should be paramount to the new Department, and Alaska's role in its production is key.

The safeguarding of these fishing vessels falls to the capable men and women of the U.S. Coast Guard, one of the new Department of Homeland Security's essential agencies. Although only 4 percent of the Coast Guard is stationed in Alaska, the Kodiak Coast Guard base is the largest single Coast Guard installation in the country. It is imperative, for maritime law enforcement, search and rescue, and oil spill response that the Coast Guard maintains its mission in Alaska.

The focus of Homeland security is not limited to water, however, but encompasses all ports of entry. As an international hub, the Ted Stevens Anchorage International Airport is the busiest cargo airport in the country. Nine hours to most major destinations, the airport's location makes it an ideal crossroads for international trade, as well as for domestic travel and commerce. Airport security continues to be of great importance to this and other airports throughout Alaska.

Likewise, Alaska is home to four military bases—two air force bases, and two army bases—and new missile defense facilities. Protecting our military assets for national defense and future military engagements will require comprehensive planning with Governor Ridge and the new Department of Homeland Security.

I look forward to working with the new Secretary to provide for the security of this great Nation as well as for the State of Alaska.

Mr. SANTORUM. Mr. President, as a proud Pennsylvanian, I want to express my strong support for Governor Tom Ridge and to applaud the President for his nomination as the first Secretary for the Department of Homeland Security. Unfortunately, scheduling prevented me from introducing Governor Ridge during the nomination hearing in the Senate Governmental Affairs Committee. I would like to commend the Committee for its expedited consideration of this important nomination in order to facilitate the establishment of this critical new agency and the Senate for the quick consideration of his nomination today.

Governor Ridge has served the Commonwealth of Pennsylvania for many years and the Nation since shortly after the tragic attacks of September 11, 2001. This period of challenge has shown the greatness of our Nation in the immediate response of heroic Americans such as Todd Beamer and others who gave their lives flying over Pennsylvania in United Flight #93 and the many who have heeded the call to service and sacrifice since then. I would especially like to thank Governor Ridge today for heeding the President's call and agreeing to help in this new way to better prepare and protect our Nation from old and new threats in the midst of a changing world.

Governor Ridge was born in Munhall, PA, just outside of Pittsburgh and grew up in Erie in northwestern Pennsyl-

vania. He graduated from Harvard University and then attended my alma mater, Dickinson School of Law. He served in Vietnam as a staff sergeant in the U.S. Army and was awarded the Bronze Star for Valor. He practiced law in Erie after completing his law degree and then served as assistant district attorney. He was elected to the U.S. House of Representatives in 1982 where he served 6 terms. He was then elected for two terms as Governor of Pennsylvania where he served from 1995–2001.

Governor Ridge has prepared well for this responsibility in his service to Pennsylvania and his service to President Bush as the homeland security advisor. We are fortunate that Tom has agreed to serve the country in this new way. I also want to congratulate his wife, Michele, and their two children. I strongly support his nomination and look forward to supporting him in his new responsibility as Secretary of the Department of Homeland Security and encourage all of my colleagues to support his confirmation.

Mr. DOMENICI. Mr. President, as we are all aware, the events of September 11 have changed how we perceive our country and our own safety. For over a half century, Americans have felt safe and secure being isolated by sheer distance from our enemies.

As we have all found, we are no longer safe inside the borders of our own country. We feel vulnerable, and we are vulnerable.

We must rethink how we do business and in doing so re-organize our Government to meet the challenges of the future. We did this with the passage of the Homeland Security bill. Now we must find strong leadership to help us manage this process.

I believe Governor Tom Ridge is immensely qualified to be the first Secretary of the new Department of Homeland Security, and to begin the arduous tasks of securing our Nation against the threat of terrorism, not to mention the challenge of consolidating 22 agencies into a 170,000-employee-strong Department—the largest Government reorganization in 50 years.

Tom Ridge selflessly left his own political career as Governor of the great State of Pennsylvania, where he was his own boss, to become the point man for President Bush on homeland security and now reporting to 100 Senators.

We in Congress should all make an effort to work with Mr. Ridge. It will be our job to give him the tools in order to do his job properly.

I look forward to working with Secretary Ridge and his new organization. As the Chairman of the Energy Committee, I plan to work with the Department of Energy, particularly the National Nuclear Security Administration and our national labs to make sure they work closely with Homeland Security. Our labs were born from the Manhattan Project during World War II and it is once again time for them to step to the plate and help our country defend itself.

As a Senator from a border State, I will work with Governor Ridge to make sure that he gets the tools needed to do the job he was chosen for. This will include: more funding for equipment at our land borders; additional funding for personnel; additional funding for training; and additional funding for industry/business partnership programs along the land border.

It will be important for the border enforcement agencies of the new Department to work with the private sector on both sides of the border and reward those partners who adopt strong internal controls designed to defeat terrorist access to our country.

It is also important that the Federal Law Enforcement Training Center was transferred to the new Department. I will make sure that the transition of that Bureau from Treasury to Homeland Security goes smoothly. I know FLETC-Artesia, New Mexico will play a growing role in providing the training to the men and women who protect our country.

I fully support the nomination of Governor Tom Ridge to be the first Secretary of the Department of Homeland Security.

Mr. LAUTENBERG. Mr. President, I am pleased to support the nomination of Governor Tom Ridge as Secretary of the newly created Department of Homeland Security, DHS, when the Senate votes later this morning to confirm him.

The Governmental Affairs Committee held its hearing on Governor Ridge on Friday and reported his nomination favorably later that afternoon. The expedited action on Governor Ridge is an illustration that when the administration seeks a consensus nominee from the start, the Senate can be very accommodating. I hope that administration officials will keep that in mind as they consider candidates for the Federal judiciary.

Governor Ridge brings strong qualifications and experience to the job. He is literally battle-tested. He has served as President Bush's first and only Director of Homeland Security. He has management experience as the Governor of one of the Nation's larger States, Pennsylvania. Moreover, he has served in Congress and so knows the importance of the task we have, which is to provide adequate funding for this new department and oversee its operations.

Having said that, his task is extraordinarily large and extraordinarily difficult. Governor Ridge will preside over the biggest Federal reorganization since the creation of the Department of Defense after the end of World War II.

We feel compelled to create a Department of Homeland Security largely because of the 9/11 terrorist attacks. There were attacks on our soil before 9/11, but 9/11 has focused our Nation's attention much as the attack on Pearl Harbor did for the World War II generation.

We face a cunning and ruthless enemy determined to make our home

front the front lines. We face an enemy that deliberately targets civilians, not soldiers. We face an enemy that wants to disrupt our society by every means possible.

Keeping America safe will be an enormous challenge. Keeping America safe without trampling on the civil liberties that make us a free people will be an even bigger challenge.

The Department of Homeland Security's purpose is to prevent terrorist attacks within the U.S. and respond to such attacks that do occur. The DHS will consist of 22 agencies now scattered throughout the Federal Government and will contain four major divisions:

A division of information analysis and infrastructure protection, which will operate in concert with the Central Intelligence Agency (CIA), the Federal Bureau of Investigation (FBI), and other intelligence agencies to assess threats;

A division of science and technology that will develop and promote measures to defend against nuclear, chemical, or biological attacks;

A division of emergency preparedness and response—built on the current Federal Emergency Management Agency (FEMA)—which will prepare for and respond to natural and man-made disasters; and

A division for border and transportation security that will encompass what is now the Customs Service, the Transportation Security Administration, and the Border Patrol.

Additionally, the new Department will include the Secret Service, the Coast Guard, and a new Bureau of Citizenship and Immigration Services. The Immigration and Naturalization Service is to be abolished and nearly all of its employees are being moved to the new Department from the Justice Department. The bill would also move most of the Bureau of Alcohol, Tobacco and Firearms from the Treasury Department to the Justice Department and rename it the Bureau of Alcohol, Tobacco, Firearms and Explosives. The new Department will also have an Office for State and Local Coordination charged with helping state and local governments to implement the national strategy for combating terrorism.

So Governor Ridge must bring together 170,000 employees from disparate agencies and manage a budget that now totals \$20 billion and is expected to reach \$31 billion by 2007. That is an enormous task.

We are operating on the premise that consolidating all of these agencies and programs under one roof is a good idea. That seems like a reasonable premise, but in all candor, we will have to wait and see.

I am concerned about what will happen to the non-DHS functions of agencies moved to the new Department, such as those of the Coast Guard and FEMA. I want to make sure that that the Coast Guard's traditional functions

of maritime safety, search and rescue, aid to navigation, etc., will not be hurt by the reorganization.

Port security operations accounted for 1-2 percent of Coast Guard activities before 9/11. By early October 2001, they increased to 56 percent of all operations. The Coast Guard is trying to move towards a "new normalcy" with port-security operations accounting for 20-25 percent of all operations. According to the Congressional Research Service, prior to 9/11, the Coast Guard already was being underfunded with regard to its expanding responsibilities. Over the last 25 years there has been a substantial growth in mission areas such as counter-drug operations, alien interception, pollution prevention, and fisheries enforcement. These functions will still need to be performed and have to be funded adequately.

Similarly, FEMA's non-DHS functions of natural disaster response and relief should not be weakened.

Another issue we will have to grapple with is oversight. Some of the oversight will rest with the Governmental Affairs Committee; some of it will be spread among several committees. That may be a good thing; but it could also prove to be unworkable. Again, we will have to wait and see. How we handle appropriations is another matter we will have to sort out.

Another issue is the labor rights of the DHS employees. When President Bush sent his DHS proposal to Congress, it contained anti-labor provisions that would have allowed him to strip civil service protections from Federal employees of the Department, so he could hire, fire and transfer employees as he wished.

On the Senate floor, Senator LIEBERMAN offered an amendment to maintain the current collective bargaining rights of more than 40,000 Federal employees slated to move into the new Department. At the same time, in line with long-standing Presidential prerogative, the Lieberman amendment would have given the administration the ability to suspend these employees' collective bargaining rights if new job duties are related to intelligence, counterintelligence or terrorism investigations, and collective bargaining would adversely impact national security.

President Bush threatened to veto the bill if the Lieberman amendment passed and Republicans filibustered the amendment. President Bush demanded authority to strip all employees in the department of their civil service protections. Citing national security concerns, the President claimed that the labor provisions would not give him broad enough authority to hire, fire and change job assignments at the proposed agency.

I think this course of action was regrettable. The Republicans did agree to a slight compromise on the labor issue: the department is required to consult on any workplace changes with employees' unions. In the end, though, the

President will have wider-ranging authority to waive union rights than ever before. This is an issue we will have to revisit.

We also need to be concerned about civil liberties. Of course, we need to be vigilant to protect the American people from those who would do us grave harm. But we can't sacrifice our freedom for security. Governor Ridge and the new department will have to balance the two. It won't be easy but it is absolutely necessary.

Speaking more parochially, because of New Jersey's proximity to New York, we suffered enormously on 9/11: nearly 700 New Jerseyans lost their lives. But it is not just our proximity to New York that concerns me. We have plenty of critical infrastructure targets: ports, airports, tunnels, rail lines, chemical plants, etc. We have 8.5 million people and several large population centers. I want to make sure that we aren't short-changed when the DHS allocates resources to the States to bolster their security.

I also want to make sure that Governor Ridge and the new department fulfill their responsibility to help keep guns out of the hands of terrorists. That means, to me, closing the "gun show loophole"—something President Bush pledged to do as a candidate in 2000. It is too easy for people to buy guns and other weapons at gun shows, no questions asked. We shouldn't make it easy for terrorists to buy assault weapons, .50-caliber guns, sniper rifles, etc.

In summary, the creation of the DHS has not been without controversy. As I noted, there are questions about whether the consolidation of various agencies under one roof will be an effective way to prevent and respond to terrorist attacks; whether the civil liberties of U.S. citizens—particularly immigrants—will be adequately protected with regard to border security and intelligence gathering activities; whether state and local entities will receive adequate funding for their new DHS-related responsibilities; and whether non-DHS functions of agencies will be protected.

Moving a bit farther a field, we need to consider where DHS fits in with regard to our overall priorities for fighting terrorism. The new department is responsible for preventing terrorism, but it will have nothing to do with addressing the root causes of that terrorism. Its very existence and the debate that will swirl around it could take attention and resources away from more proactive foreign policy and domestic law enforcement and social welfare efforts to reduce the impetus for terrorist acts, foreign and domestic.

While the primary responsibility to make America safer without sacrificing our freedoms will rest with Governor Ridge and the new Homeland Security Department, in fact, all Americans share that somber responsibility. We will all have to work together, and we wish Governor Ridge well in this great undertaking.

Mrs. FEINSTEIN. Mr. President, I support the nomination of Tom Ridge to be Secretary of Homeland Security. I think that Mr. Ridge is an excellent choice for the job.

If confirmed, Mr. Ridge will oversee the new Department of Homeland Security, the consolidation of more than two dozen agencies and offices that have been reorganized into a single agency with an overriding mission: protecting the United States from terrorist attack and responding to an attack should one occur.

Unlike his current position in the White House, Mr. Ridge will have budget authority and will be accountable to Congress and the people.

I introduced legislation with Senator BOB GRAHAM on September 21, 2001, long before the Homeland Security Act was signed into law, to give him such authority. I believe that it is indispensable for him to do his job adequately.

I applaud Mr. Ridge's willingness to accept the responsibility of leading the new Department. He will oversee and direct the largest Federal reorganization since the National Security Act of 1947.

It is an enormous challenge. According to historians, James Forrestal, the first Secretary of Defense after passage of the 1947 act, resigned after 2 years due to mental exhaustion caused by the difficulties of managing the new Department.

Even with all of his energy and talent, Mr. Ridge will not be able to do it alone.

We need to be sure that the Department of Homeland Security attracts and retains top people, people committed to ensuring homeland security. And we need to be sure that the department has the tools and resources it needs to protect us from and respond to terrorist attacks.

It is hard to understate the importance of getting this new Department off the ground and running.

Last November, I chaired a hearing of the Technology and Terrorism Subcommittee of the Senate Judiciary Committee on the Hart-Rudman Terrorism Task Force Report. Members of this new 17-member Hart-Rudman Task Force included two former Senators, two former Secretaries of State, two former chairmen of the Joint Chiefs of Staff, and two Nobel laureates.

The task force report is chilling to read. And its conclusion is even more disturbing. It reads: "A year after September 11, America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil. In all likelihood, the next attack will result in even greater casualties and widespread disruption to American lives and the economy."

Just a month before our hearing, CIA Director George Tenet testified before the Joint Intelligence Committee inquiry that "al-Qaeda is in an execution phase and intends to strike us both here and overseas." He also said that the terrorist threat is as bad today as it was in the summer of 2001.

The statements made by the Hart-Rudman Task Force as well as Director Tenet contrast with Mr. Ridge's recent testimony before the Senate Government Affairs Committee.

There, Mr. Ridge testified that, "America is undoubtedly safer and better prepared today than on September 10, 2001" and that "much has been accomplished" to protect Americans from terrorism.

My own view is that, while the terrorist threat remains extremely serious, I would disagree with those who argue that we have done nothing since September 11 to reduce our vulnerability to a major terrorist attack.

In fact, since September 11, the 107th Congress has passed major anti-terrorism legislation in the areas of law enforcement, intelligence, aviation security, border security, and bioterrorism.

However, what we have done so far is not enough. Much more remains to be done, particularly in the areas of intelligence, seaport security, and first responders, including the National Guard.

That is why many of us in Congress have been trying to pass additional legislation to protect our country from terrorist attack.

Let me give three examples of homeland security legislation that I plan to pursue in this Congress.

First, we need to create the position of Director of National Intelligence, whose full-time job would be to oversee the Nation's intelligence community. Under the current structure, the intelligence community is fragmented, there is a lack of coordination between agencies, and there is no effective leadership.

The concept behind the bill was endorsed by the House-Senate Intelligence Committee investigating the September 11 attacks.

Second, as the Hart-Rudman Task Force recognized, we need comprehensive, immediate action to better secure our ports. Our seaports remain a huge gaping hole in our national security.

Terrorism experts who have studied the issue believe that if terrorists try to bring weapons of mass destruction into this country, those weapons will almost certainly come in shipping containers. Only 1 to 2 percent of the 21,000 shipping containers that enter the nation's 361 ports each day are even inspected.

I introduced legislation with Senators KYL, HUTCHISON, and SNOWE in the last Congress that would thoroughly address the issue of port security from the point cargo is loaded in a foreign country to its arrival on land in the U.S. We plan to pursue similar legislation in this Congress.

Third, we should train and equip 2,700 National Guard units for emergency response.

Modeled after legislation creating the successful National Guard counterdrug program, my proposed bill would permit each governor, with over-

sight and funding from the Secretary of Defense, to create a homeland security activities plan for his or her State.

The National Governors Association, the National Guard, and the co-chairs of the Senate National Guard Caucus all support the bill. The Hart-Rudman Task Force also endorsed the idea.

One thing we should do right now is fully fund homeland security. Certainly, the last thing we should be doing is starving the new Department of resources to fight the war on terrorism.

One reason I oppose the omnibus appropriations bill is that it cuts homeland security by \$1 billion, money that has already been requested, authorized, and appropriated.

Right now, the INS will lose \$627 million for border security. First responders will lose \$132 million. And other homeland security departments and agencies will also suffer.

These cuts will make our Nation more vulnerable. They will also make Mr. Ridge's already tough job even harder.

I hope that he will be a vigorous advocate for legislation to strengthen our country against terrorists and for adequate resources to pay for such protection.

I congratulate Mr. Ridge on his nomination and look forward to working with him once he is confirmed.

Mr. DASCHLE. Mr. President, I associate myself with the comments made by the distinguished assistant Democratic leader. We asked our colleagues to file amendments by the end of the day on Tuesday. They have. There is a significant number of both Republican and Democratic amendments. I am hopeful we can finish our work on this bill by tomorrow night. There is no reason, given the excellent debate we have had on a number of issues, that we should not try to finish. I hope we can get the cooperation of all Senators in seeking time agreements and in limiting the number of amendments yet to be offered. We have had a very good debate. There will be many other occasions throughout the year when we will have opportunities to express ourselves on a number of issues.

I urge my colleagues, on both sides of the aisle—as I say, there were a good number of amendments offered by both Republican and Democratic Senators—in order to accommodate that schedule.

I come to the floor to express my support for Tom Ridge as the first Secretary of Homeland Security. Governor Ridge has created an impressive record in public service. As a Member of Congress, as Governor from the State of Pennsylvania, he has done a good job in meeting the challenges we all have faced as a country and we in particular face at the Federal level of Government in addressing the needs and concerns of our homeland—or as we sometimes say, hometown defense—over the course of the last year.

There is one very consequential concern I have as we consider the creation

of this Department and its leadership. That concern goes to resources. On several occasions over the course of the last several years, and even the last several months, we as a body, we as a Senate, have come to the conclusion we cannot fight the war on terror, we cannot do what we must do in creating a presence in the Persian Gulf, we cannot address the extraordinary challenges we face in Afghanistan, if we do not have the resources the Department of Defense needs to accommodate those missions.

What did we do? We responded, as required, by providing the resources to the Department of Defense to ensure those missions could be fulfilled. I have every expectation we will be dealing with supplementals in the not too distant future, and I would be surprised if it was not the case that the Defense Department, once again, comes to the Congress to seek approval for additional appropriations for this fiscal year. We will look at those requests, but in most cases my guess would be we will support them. We will support them because we realize they cannot carry out a mission without resources.

It is with that understanding that I am troubled this Department of Homeland Security has not had the same degree of support, does not have the same degree of commitment, has not had the resources that it must have to deal with the challenges and the mission that it faces and has faced from its very creation. Last year, the Congress passed overwhelmingly by a vote of 92-7 a supplemental appropriations bill to provide those resources. The President, for reasons that are not entirely clear to many of us, chose not to permit the \$2.5 billion in that supplemental appropriations bill for homeland defense.

Yet as I talk to Governors, as I talk to mayors, as I talk to local officials at every level of Government, they tell me the single biggest concern they have is their lack of confidence, their inability to deal with what they perceive to be a real vulnerability in protecting water supplies, energy facilities, roads, bridges, and ports. They are concerned about that vulnerability. One mayor called it homeland "insecurity." He said there was a homeland insecurity today in part because in spite of what we all profess to be our goal, there is a lack of willingness, a lack of commitment time and again on the part of the administration to provide the resources to meet that goal in dealing with the needs of the Defense Department and others as we consider our mission internationally.

The President's budget we are now debating, this omnibus appropriations bill, unfortunately, reflects the same lack of attention and priority and concern for resources. In fact, cuts have been made that devastate our ability to deal with homeland defense, devastate our ability to deal with those areas for which there is absolute unanimity about priority. The budget that is currently pending would cut 1,175

FBI agents, 1,600 Customs inspectors, and 450 food safety inspectors. The list goes on and on.

You cannot have security without resources. You cannot deal with our extraordinary challenges in law enforcement without FBI agents. We cannot deal with the problems we have with immigration without Custom inspectors. We certainly cannot deal with the insecurity our country faces today without dealing with food safety in a more consequential way.

We have a responsibility to ensure as this Department of Homeland Security becomes a reality, as we create the leadership, as we now confirm the first Secretary, we owe it to him, but far more importantly we owe it to the country to ensure that homeland insecurity is addressed, insecurity with regard to resources, insecurity with regard to our budget, insecurity in dealing with the extraordinary challenges we face in restoring confidence and building the kind of true homeland security we all want and need.

We will have more opportunities to talk about this matter as Secretary Ridge comes before the Congress. We are off to an important beginning as he is confirmed today. I hope he will come back with a comprehensive plan that will enable him to convince not only us but the American people that he will have the resources and this will be the priority we all say it is.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, there has been a lot of discussion about the funding for homeland security. I agree with my colleagues that this is an area that is going to require more resources. In particular, we want to make sure that the resources flow down to the State and local levels, that they are available to the first responders, those who are first on the scene in the event of a terrorist attack.

I do want to point out, however, that H.J. Res. 2 contains significant new funding to strengthen our homeland security. For example, the omnibus bill provides over \$5.3 billion for the Transportation Security Administration, which is a critical component in our efforts to secure our national transportation system and to ensure the freedom of movement of American people and commerce.

This funding amounts to a \$1.84 billion increase over last year, or a 53-percent increase over fiscal 2002 figures. Of this funding, a minimum of \$124 million will go toward buying explosive detection systems and trace detection systems; \$250 million in funding will go toward the installation of airport de-

tection systems. Many of us have noted the increased scrutiny of checked baggage in the recent weeks. One hundred million is for a very important purpose and that is for seaport security grants to port authorities.

In another area, let's look at the first responders, which are of special concern to me. The omnibus bill includes more than \$1.6 billion for emergency planning and assistance to help prepare our first responders. This amounts to an increase of over \$997 million from the level provided in the fiscal year 2002 budget. Of this money, \$900 million is for the FIRE Grant Program, a very popular program in the State of Maine, that helps our firefighters equip themselves and prepare for future threats. In Maine, we found that the FIRE Grant Program is particularly useful to some of our small, rural communities, which simply would not have access to the resources needed to upgrade their equipment and their training.

Mr. President, \$114 million of the money for FIRE Grant Program funding is for interoperable communications equipment for firefighters and EMS personnel. September 11 taught us very dearly how important it is for our first responders to be able to communicate with one another, to have compatible equipment.

Mr. President, \$75 million is for urban search and rescue teams and another \$75 million is for State and local emergency planning grants. We need to do so much more training and joint exercises at all levels of government to make sure we have a coordinated response to allow us to detect, prepare for, and, if necessary, respond to a terrorist attack more effectively.

Let's look at the area of bioterrorism, one of the major threats we face today. We learned right here in the Senate the amount of damage that an anthrax attack can inflict. The omnibus bill provides considerable funding for bioterrorism. It includes money for the CDC, for example, for a smallpox vaccine, for an evaluation and research on the anthrax vaccine, and it includes money to make our hospitals better able to respond to a bioterrorism attack.

I point out that the \$3.7 billion for bioterrorism preparedness is exactly the same in this omnibus bill as in the Labor-HHS-Education bill authored under different leadership last July. The bioterrorism preparedness funding includes \$940 million for upgrading State and local capacity. It includes \$300 million for the National Pharmaceutical Stockpile. It includes \$492 million for hospital preparedness. It includes \$1.5 billion for bioterrorism-related research and construction at the National Institutes of Health.

My point is that there is significant and much needed new funding included in this legislation. So we are making a genuine effort to provide the resources that are necessary to make our Nation more secure. It is not going to happen overnight. Money alone does not solve

the problem, but money, clearly, is part of the solution, and we are making a major step forward in that regard through the funding provided by this bill, the billions of dollars in funding provided by this bill.

Finally, let me touch on the Coast Guard, which is of special concern to me. The omnibus appropriations bill includes more than \$6 billion for the Coast Guard. This amounts to an increase of more than \$1 billion from last year's enacted level. I stress this because it has been of great concern to me, Senator STEVENS, and many other of my colleagues that we fully fund the Coast Guard so it does not jeopardize its traditional mission while it takes on increased responsibilities in the area of homeland security, particularly port security.

So I think it should be evident from a review of this bill that we are making a significant commitment of additional funding for homeland security. This is a very positive step forward. More resources undoubtedly will be needed and will be considered as part of the President's budget.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, I yield to the distinguished Senator from Utah, the chairman of the Judiciary Committee, for up to 6 minutes.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank the Chair. I thank the Senator from Maine. I sure appreciate the work that she has done on this issue. She deserves a lot of credit. This has been a big week for her with all of the things she has been able to accomplish.

Mr. President, I am pleased to rise in support of the confirmation of my colleague and friend, Tom Ridge, to serve as this Nation's first Secretary of Homeland Security.

I commend my fellow Senators for moving this nomination with the speed that it deserves. Senators COLLINS and LIEBERMAN have done an excellent job. I am very appreciative of that.

With the creation of the Department of Homeland Security, and now the confirmation of Tom Ridge to head that agency, the President finally has a unified department specifically devoted to fighting terrorism.

Tom Ridge will begin his tenure as Secretary with an enormous task: implementing the new Department that Congress has created just months ago.

This is the most comprehensive reorganization that our Federal Government has undergone in over 50 years.

Because I know Tom Ridge, I know that he is up to the task. I view his

confirmation as critical to the success of the new Department's mission.

After successfully implementing the reorganization of nearly 200,000 Federal employees, Secretary Ridge's work will just have begun.

As the first Secretary of the Department of Homeland Security, Tom Ridge will face the awesome challenges and responsibilities of safeguarding our borders and enhancing our Nation's ability to respond to future terrorist attacks. He must do so while ensuring that our cherished individual civil liberties are protected.

He will be responsible for collecting intelligence from a number of different sources, fusing it into a single coherent picture, and then ensuring that it is acted upon appropriately.

While all of us hope and pray that our Nation will not be attacked by terrorists again, we must remain ever vigilant to that real threat. The department's goals and efforts are of paramount importance to all our constituents, including those in my home state of Utah and, of course, the entire Nation.

Tom Ridge is the right man for this challenge. He was a wonderful Governor of Pennsylvania. He certainly has been a heroic figure throughout the lives of many people.

Less than 1 month after the terrorist attacks on our country, Governor Ridge was sworn in as the Director of the White House Office of Homeland Security.

He has worked there with an unwavering dedication to protect our homeland. I commend Governor Ridge on his efforts to improve our Nation's security and his dedication and courage in tackling these most difficult issues in these times of crisis.

Tom has accomplished much.

While there is much more to do to ensure the safety of our great Nation, I am comforted by his demonstrated track record of leadership and success.

Tom Ridge and the President have been a steady beacon of hope for all Americans, and I want to thank them for all their accomplishments.

By confirming Tom Ridge, we are taking a big step forward in helping to defend our Nation from terrorism.

I am confident that Secretary Ridge will work vigorously to secure our Nation and protect Americans—and to protect all of us in ways that really have to be undertaken.

I am proud to support Secretary Ridge's nomination and look forward to working with him on homeland defense and security issues in the future.

I look forward to working with my colleague from Maine and others on the other side in the future on these very important issues.

This agency is so big that it crosses over a whole raft of communities.

I again want to pay tribute to the distinguished chairman of the committee and her ranking member for having done such a good job in bringing this nomination forward at this particular time.

I reserve the remainder of my time for the chairman. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, the Senate is now about to vote on the nomination of Gov. Tom Ridge to be the new Secretary of Homeland Security. I urge all of my colleagues to vote yes on this nomination. He is truly an outstanding individual to head this important new Department.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Thomas J. Ridge of Pennsylvania to be Secretary of Homeland Security?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 13 Ex.]

YEAS—94

Akaka	DeWine	McCain
Alexander	Dodd	McConnell
Allard	Dole	Mikulski
Allen	Domenici	Miller
Baucus	Dorgan	Murkowski
Bayh	Durbin	Murray
Bennett	Edwards	Nelson (FL)
Biden	Ensign	Nelson (NE)
Bingaman	Enzi	Nickles
Bond	Feingold	Pryor
Boxer	Fitzgerald	Reed
Breaux	Frist	Reid
Brownback	Graham (FL)	Roberts
Bunning	Graham (SC)	Rockefeller
Burns	Grassley	Santorum
Byrd	Gregg	Sarbanes
Campbell	Hagel	Schumer
Cantwell	Hatch	Sessions
Carper	Hutchison	Shelby
Chafee	Inhofe	Smith
Chambliss	Jeffords	Snowe
Clinton	Johnson	Specter
Cochran	Kennedy	Stabenow
Coleman	Kohl	Stevens
Collins	Kyl	Sununu
Conrad	Landrieu	Talent
Cornyn	Lautenberg	Thomas
Corzine	Leahy	Voinovich
Craig	Levin	Warner
Crapo	Lincoln	Wyden
Daschle	Lott	
Dayton	Lugar	

NOT VOTING—6

Feinstein	Hollings	Kerry
Harkin	Inouye	Lieberman

The nomination was confirmed.