short time ago in speaking with the leader.

MEASURE PLACED ON THE CALENDAR—S.J. RES. 43

Mr. REID. Mr. President, I understand that S.J. Res. 43 is at the desk due for its second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask that S.J. Res. 43 be read for a second time, and then I object to any further proceedings at that time.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for a second time.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 43) proposing an amendment to the Constitution of the United States to guarantee the right to use and recite the Pledge of Allegiance to the flag and the national motto.

The ACTING PRESIDENT pro tempore. Objection having been heard, the measure will be placed on the calendar.

RESERVATION OF LEADER TIME

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

HOMELAND SECURITY ACT OF 2002—MOTION TO PROCEED

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to H.R. 5005, a bill to establish the Department of Homeland Defense.

Tom Daschle, Harry Reid, Zell Miller, Joseph Lieberman, Tim Johnson, Debbie Stabenow, John Edwards, Jon Corzine, Susan Collins, Robert F. Bennett, Trent Lott, Pete Domenici, Rick Santorum, Fred Thompson, Peter Fitzgerald, Jim Bunning.

The ACTING PRESIDENT pro tempore. Under the previous order, time for debate on the motion is limited to 7 hours to be equally divided between the Senator from Connecticut, Mr. LIEBERMAN, and the Senator from Tennessee, Mr. THOMPSON, for the proponents, and the Senator from West Virginia, Mr. BYRD, for the opponents, or their designees.

Mr. REID. Mr. President, the two managers will be here very shortly. I ask unanimous consent that the time for the quorum be charged equally against both sides, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, let me beg the Senator's forgiveness. Before he begins, I want to ask this earlier rather than later. May I ask a question with respect to the amendment?

Mr. LIEBERMAN. Of course.

Mr. BYRD. Is the amendment that the distinguished Senator will offer as a substitute the amendment I have seen? Is that the amendment?

Mr. LIEBERMAN. In responding to the Senator from West Virginia, that is indeed the amendment. What is before the Senate now, as the Senator from West Virginia knows, is the House-passed bill. It is my intention, assuming the motion to proceed passes today, to offer as a substitute the legislation that was adopted by the Senate Governmental Affairs Committee in July, which has been distributed to the Senator from West Virginia and others.

Mr. BYRD. May I ask the distinguished Senator, with great respect, does he have any suggestion as to how we will handle the time on quorum calls?

Mr. LIEBERMAN. I appreciate the question. It was my hope we could agree that the time on the quorum calls be subtracted equally from each side. Is that agreeable to the Senator from West Virginia?

Mr. BYRD. I hope it would not be. Once I begin, I don't plan to have any quorum calls. Yet, of course, at times it becomes necessary. When I do ask for a quorum call, I will expect that to be taken out of my time. I would not want to divide the time equally on quorum calls, I say with great respect.

Mr. LIEBERMAN. The Senator has that privilege, and I have no desire to limit debate. So let us just agree that quorum calls will remove time from the side that asks for the quorum call.

Mr. BYRD. Very well. I have one further question. In closing the debate, does the Senator have any particular way he wishes to proceed? I believe he would want to close the debate. If I might make a suggestion.

Mr. LIEBERMAN. Please.

Mr. BYRD. I ask if I could go preceding the Senator and if the distinguished minority member, Mr. THOMPSON, could speak just prior to me. That would be my suggestion. However, if Senator THOMPSON wants to do this differently, I will accept that.

Mr. LIEBERMAN. I thank the Senator from West Virginia. That order was exactly what I had in mind. I ask Senator THOMPSON if that is agreeable to him.

Mr. THOMPSON. It is most agreeable to me. I think that is the way to proceed.

Mr. LIEBERMAN. Fine. So we will close the debate in the last half hour going from Senator THOMPSON, to Senator BYRD, to myself.

Mr. BYRD. Mr. President, will the Senator yield further?

Mr. LIEBERMAN. I will.

Mr. BYRD. May I say, I hope we will not confine our closing arguments to a half hour. As far as I am concerned, when we get to that point, perhaps we can wait until the last hour to close the arguments, or the last hour and a half, and Senator THOMPSON would proceed, and then the Senator from West Virginia, and then the distinguished manager of the bill, and that we not limit ourselves—the three of us—to the totality of 30 minutes.

Mr. LIEBERMAN. Once again, Mr. President, that suggestion is agreeable to me. Debate, as the Senator from West Virginia knows, is limited to 3½ hours on each side. But some of this will depend on how many colleagues come to the floor to speak. Let us work together. I agree that we don't have to limit the time in which we go to closing arguments to the last half hour. We can work that out ourselves and take longer than that. That is fine.

Mr. BYRD. Mr. President, may I say I thank the distinguished Senator, the manager of the bill. I have only the very highest degree of respect for him, and I have only the highest degree of respect for the committee, and for his counterpart—if I may use that word—a very respected Senator, the Senator from Tennessee. I have great respect, and anything I say during this debate will be only with the desire in mind to contribute something that will reflect well upon this Senate in the days and years to come.

I have every belief that the Senator from Connecticut and the Senator from Tennessee approach the matter in the same spirit. I thank the Senators for yielding.

Mr. LIEBERMAN. Mr. President, I thank the Senator from West Virginia for his graciousness. Of course, Senator THOMPSON and I return the respect the Senator kindly offered to us. This is a very significant debate. It goes to the heart of the security of the American people today, post September 11, and it is also, by my calculation, the largest reorganization of the Federal Government since the late 1940s. Therefore, the kind of debate in which I know the Senator from West Virginia intends to engage is very much in the public interest. I look forward to it.

Mr. BYRD. Mr. President, I thank the Senator.

September 11 is now one of the darkest days in American history because of the almost 3,000 innocent lives that were taken and because of the way in which the American people were jarred from the dream that we would experience a time of extended peace after our victory in the cold war. The attacks made against us on September 11 were not just vicious in their inhumanity and in the lives that were taken in

tragic consequences, but also in the assault made by the terrorists on our very way of life, on our values.

We are a nation whose founders stated right in the original American document, the Declaration of Independence, that every citizen has the right to life, liberty, and the pursuit of happiness and that right is the endowment of our Creator. Yet we were attacked on September 11 by a group that claimed to be acting in the name of God. Yet they took planes into buildings full of thousands of people without regard to the lives of those people, killing them only because they were Americans, acting in the name of God to kill almost 3,000 children of God—diverse and varied in age and demographics, as the American people are.

It is in that sense that I view September 11 as an attack on our way of life. It is why we have pulled together after that as united people to resist, to strike back at those who struck at us first, through our courageous and skillful military achieving a great victory in Afghanistan. We must continue, since Afghanistan was only the first battle in the war against terrorism, to search out and capture or destroy all the enemy that remains in this unprecedented war, unprecedented in so many ways because we cannot see the enemy on a battlefield, they are not on ships at sea, but they are out there living in the shadows, preparing to strike us again.

What this proposal is about, stated in the most direct way, is to diminish, hopefully eliminate, the vulnerabilities of which the terrorists took advantage to strike at us on September 11, so that they will never again be able to do that.

I am not one who views another September 11-type attack as inevitable. We are the strongest nation in the history of the world, militarily and economically. We are united by our shared values. We are a patriotic and innovative people, and if we marshal these strengths, we can make another September 11-type attack impossible, and that is the aim of the legislation our committee puts before the Senate today.

The urgent purpose of all three versions of homeland security that are in the discussion now—and I am speaking of the proposal by President Bush, the proposal passed by the House, and the one endorsed by the Governmental Affairs Committee of the Senate—is to meet the urgent post-September 11 security challenge we face, which is unprecedented, by consolidating the disparate Federal agencies and offices that deal with homeland security into a single Cabinet department under a strong, accountable Secretary.

In one sense, one might say the problem with the Federal Government's organization today with regard to homeland security is that a lot of people are involved in homeland security but nobody is in charge. The mission of this new Department that all three proposals would create is to spearhead the Federal Government's defense of the American people against terrorism on our home soil, working particularly with States, counties, cities, towns, and Native American tribes across the country and working with the private sector to improve their preparedness and response capabilities.

As the 1-year anniversary of September 11 approaches, the reconstruction of the Pentagon is almost complete, the field in Pennsylvania, to the casual eye, looks almost like any other field, and plans for the redevelopment of the World Trade Center site are already being actively discussed. But the reality is that the vulnerabilities the terrorists exploited on September 11 in America's homeland defense structure still exist. We are still at risk, and that is why we must urgently proceed to discuss, debate, and then adopt legislation creating a Department of Homeland Security.

The dark day of September 11 and the future it foretold are seared in our minds and our hearts. We must never stop feeling anger and outrage about what our enemies did to us. We must never stop mourning the 3,000 lives we lost. We must never stop honoring the legacy they left. We must never stop supporting the families whose loved ones were the first casualties of the war on terrorism. And we must never stop treasuring the freedoms and the opportunities that make this Nation truly the light it is to so many people around the world.

The single most important action we can take now as individuals and as a nation, in addition to continuing the military phase of the offensive war against terrorism, is to channel our sorrow, our outrage, our unity, our anxiety, and our pride into building better defenses at home.

This legislation is not a single-magic-bullet answer to our homeland security challenges—much more work needs to be done—but I am convinced it is a strong and necessary first step. It will provide the structure that can deliver the defense the American people deserve.

I thank President Bush for embracing the creation of a Department of Homeland Security and for the diligence with which he and his staff have worked through the details with members of our committee, with Members of the Senate, and with Members of the House. Amendments always highlight differences, but the reality is that President Bush and the majority of members of the Governmental Affairs Committee who reported out the legislation are in agreement on more than 90 percent of what this legislation provides. We stand broadly on common ground, even as we debate some of the remaining differences between us.

I also want to thank my colleagues in this Chamber for their contributions and cooperation across party lines for the building of this proposal. We have come a long way, and we must get to the end in this session. I particularly want to thank my ranking member, Senator THOMPSON, for his characteristic constructive and thoughtful contributions to this proposal, even when we have been in dissent. The least we can do for the American people and for Senator FRED THOMPSON is to pass this legislation while he is still a Senator, before he retires.

The President and Congress and the American people have made real progress since September 11. A successful military campaign in Afghanistan, creating the Office of Homeland Security, passing the USA Patriot Act, creating a Transportation Security Administration, beginning to reform the FBI—those are just a few of the significant steps we have taken forward together.

Federal employees are working very hard at their assigned tasks and working increasingly in cooperation with our State and local colleagues to keep the American people safe. We have to speak frankly about this as we begin the consideration of this legislation.

Our progress will hit a wall—in effect it has—if we do not reform the Federal Government's homeland security capabilities because the gains we have made in keeping America safe since September 11 have been, and will continue to be, in some sense despite the system, not because of it.

The system, the organization, is dispersed and in some ways it is dysfunctional. It needs to become coherent and consolidated, coordinated, to rise to the complex challenge of defeating 21st century terrorism in our homeland.

The 18 hearings we on the Governmental Affairs Committee have held since September 11 on this matter, and countless other hearings by so many other committees, have made the scope and depth of this disorganization and dysfunction clear.

To sum it up in the words of Stephen Flynn, senior fellow of national security studies at the Council on Foreign Relations, who testified before us on October 21 of last year:

We have built our defense and intelligence communities to fight an away game.

Now we must build them to fight at home and to win. Across our Government, we are dividing our strengths when we desperately need to be multiplying them. As the President acknowledged on June 6, the Office of Homeland Security, though ably headed by Gov. Tom Ridge, did not have the structural power to get the job done we need done. Indeed, the release on July 16 of the President's national strategy for homeland security, underlay the importance of creating a Department that can orchestrate the huge task ahead.

The status quo is simply unacceptable and we must rise to the occasion by organizing for the occasion. We must move from disorganization toward organization. When we pass this legislation, the American people, for

the first time, must be able to look to a single Federal agency that will take the lead in the homeland fight against terrorism and to hold that agency accountable for accomplishing what is Government's first responsibility, and that is to provide, as the Constitution says, for the common defense. And now that means the defense of the American people at home.

The Department we will create will be led by a Presidentially appointed, Senate-confirmed Secretary. It would be comprised of six directorates that, taken together, would accomplish its missions and goals. Let me briefly describe them now.

First is intelligence. I put that first intentionally because we cannot prevent attacks, nor can we adequately prepare to protect ourselves or respond if we cannot first detect the danger. This legislation would establish a strong intelligence division to receive all terrorism-related intelligence from Federal, State, and local authorities; from human intelligence and signal intelligence; from closed and open sources; from the FBI and the CIA, including foreign intelligence analysis from the Director of Central Intelligence's Counterterrorism Center. Then it would have the authority to fuse that all in a single place. This would be the one place—which does not exist in our Government now—where all the proverbial dots could be connected as they were not because of existing barriers to sharing information prior to September 11. Indeed, the new Department will not just receive and analyze intelligence collected from other agencies; it will contain agencies within itself that collect intelligence and will share it and send it up to this directorate of intelligence. I am speaking of the Customs Service, of Immigration, of the Coast Guard, of the Transportation Security Agency, all examples. All of that will be fed into the same stream.

I want to stress that stream will include information from State and local law enforcers who we acknowledge now are the first responders, as we saw on September 11.

If this directorate of intelligence is working well, State and local law enforcers can become first preventers. They are hundreds of thousands of eyes out across America who can share information, who can help us detect patterns and work with law enforcement to prevent any future attacks against America. This precise capability exists nowhere in Government and would be designed to complement the Director of Central Intelligence's Counterterrorism Center and the capabilities of other intelligence and law enforcement agencies such as the FBI.

This directorate would not collect intelligence; it would receive it and analyze it. It would mean all information related to terrorist threats on American soil would, for the first time in our history, come together in this one place. Perhaps it could be called a hear-all-evil and see-all-evil office. That is precisely what we need to prevent the recurrence of the disastrous disconnects that left the puzzle pieces of the September 11 plot laying scattered throughout our Government, when they should have been together in one box so they could have been assembled. That is what this division of intelligence would do.

The second, critical infrastructure: We can expect terrorists to try to hurt us by destroying or disrupting our infrastructure. What do we mean by that? Well, our water and agricultural delivery systems, our energy grids, our information technology networks, our transportation systems, our ports and airports, and more. Eighty-five percent of our infrastructure is actually owned and operated by the private sector. That is the nervous system, the respiratory system, the circulatory system of our society. Infrastructure, however, is not the only target. Indeed, attacks by weapons of mass destruction have up until now been designed largely to destroy people, not to damage our infrastructure. In fact, of course, the attacks on September 11 were not against infrastructure in the way in which that term has normally been meant. They were against the World Trade Center and the Pentagon. But infrastructure is a big, vulnerable, and complex target.

Today, responsibility for working with the private sector to safeguard it is spread thin throughout the Federal bureaucracy. This directorate would mesh critical infrastructure protection programs now residing in five different Federal agencies, including the Department of Energy, the Department of Commerce, and the General Services Administration.

Third is a border and transportation protection directorate. Every potential source of danger that is not already inside our country must come in through our ports or airports or over our borders. Once danger gets inside, it is much harder to root out. So to effectively interdict, interrupt, and intercept terrorists and the weapons of toxic materials or mass destruction they seek to smuggle in, this directorate would bring together our Customs Service, the border quarantine inspectors of the Animal and Plant Health Inspection Service of the Department of Agriculture, the recently created Transportation Security Administration, and the Federal Law Enforcement Training Center.

The Coast Guard will also be transferred to the new Department reporting directly to the Director of Homeland Security and will work closely with all other authorities on our waterways, in our ports, and at our borders.

Fourth is science and technology. Now terrorists will try to turn chemistry, biology, and technology against us in untraditional and inhumane ways. So we are challenged to marshal our superior technological talents to preempt them and protect our people.

This science and technology directorate is intended to leverage America's advantage on this front, creating a lean entity to manage and coordinate innovative homeland security research and development and to spearhead rapid technology transaction and deployment. It would be armed with an array of mechanisms to catalyze and harness the enormous scientific and technological potential residing within our Government, within our private sector, and within our university communities.

One of the key features of this directorate will be a homeland security version of the Defense Advanced Research Protects Agency, DARPA, which has sparked the development of Revolutionary Warfighting Tools for our military throughout the cold war and now into the post-cold-war world, the very tools and systems and weapons that enabled our courageous and skillful fighting forces to terrify and defeat the Taliban in Afghanistan so brilliantly and to disrupt the al-Qaida network.

Of course, DARPA has also spun off from its technologies to create some of the most remarkable commercial and civilian technologies that characterize our age, including the Internet.

It is our hope and prayer that this new Department, which we would like to call SARPA, the Security Advanced Research Projects Agency, will do the same for our homeland security and for our economy.

Fifth, emergency preparedness and response: After September 11, we all have an obligation to think about and to prepare ourselves for the unthinkable, including attacks with chemical, biological, radiological, and nuclear weapons at home. This directorate with the Federal Emergency Management Agency at its core will combine and integrate the strengths of a number of Federal agencies and offices responsible for dispensing critical vaccines and medicines for training local and State officials in emergency readiness, and for reacting to and helping the American people recover from the attacks that we hope and pray and will work to deter, but we must be ready to respond.

Six is immigration. America's positive fundamental heritage of immigration, central to our character as a country of opportunity and responsibility and community, must be honored. But at the same time, after September 11 we have to look with new clarity and intensity at illegal immigration as well as how to better screen those who come to this country legally and may stay beyond the time allowed.

Our proposal brings the troubled Immigration and Naturalization Service into the Department of Homeland Security and places those functions in a separate division within it. Then, to undo internal conflicts in the agency and give each set of functions the concerted attention it deserves, we propose to split the directorate into two

distinct but closely linked bureaus as called for in the bipartisan INS restructuring plan of our colleagues, Senator KENNEDY and Senator BROWNBACK. This is a long overdue major reorganization of a very troubled agency.

We also require the Secretary to establish a border security working group comprised of himself, working with the Under Secretary for Border and Transportation Security and the Under Secretary for Immigration Affairs. Our goal is to make passage more efficient and orderly for most people and goods crossing the border while at the same time raising our capacity to identify and stop dangerous people and things from entering America.

Those are the six core directorates which we see as six spokes of the wheel. Where they meet at the axis is where our security at home comes together.

There are a few important pieces of this legislation I want to describe additionally. As we need to keep reiterating, this is not solely a Federal responsibility or a Federal fight in the war against terrorism, it is a national responsibility and a national fight, with the front lines being drawn in our cities and towns all across America. One need only look at the long list of fallen heroes of September 11 to understand that. That is why we in Washington must do a far better job of creating and sustaining potent partnerships with States and localities which will be facilitated, I am confident, through the new Department. We are creating an Office of State and Local Government Coordination. This office is designed to assess and advocate for the resources needed by State and local governments all across the country.

In fact, there is separate legislation, quite appropriate, recommending the creation of a homeland security block grant. The initial amount proposed is $3.5 billion for fiscal year 2003.

I know from having spoken to the Presiding Officer, speaking to the local responders and first preventers, they are already spending significant funds to carry out the wider range of homeland security responsibilities they have. This is a national problem, and they are playing a large role in responding. We have to give them the resources, the funds, to make that possible. In fact, to meet the pressing need for well-trained firefighters in our communities, our legislation includes an amendment offered by Senators CARNAHAN and COLLINS that points Federal assistance to local communities nationwide, patterned on the very successful COPS program adopted during the Clinton administration. This program for firefighters would enable the hiring of as many as 10,000 additional firefighters per year.

The Office of State and Local Government Coordination would also be strengthened with the help of an amendment offered by Senators CARPER and COLLINS providing a number of new mechanisms, including the creation of liaison positions in each State in the country, a liaison with the new Department of Homeland Security to ensure close and constant coordination between the Federal Government and the first responders, first preventers, who are our principal partners in this solemn task.

Recognizing the need to ensure that fundamental American freedoms are not curbed as we build a more secure society, our legislation also creates positions of civil rights officer and privacy officer, as well as a designated officer under the inspector general within the new Department. Those positions will provide the Secretary valuable guidance to help craft effective policies and practices that don't compromise individual rights, and ensure there is an effective avenue for receiving complaints and investigating them. Outside of this Department, within the White House, the amendment would create another entity, a National Office for Combating Terrorism. Here I want to give substantial credit to the Senator from Florida, Mr. GRAHAM, who has worked very hard with Members of both parties, in this Chamber and the other body, to fashion this proposal.

We cannot fail to recognize that the fight against terrorism is, by definition, larger than what will be done by this new Department of Homeland Security. It will involve our military and intelligence communities separately, our diplomatic services, our law enforcement agencies, our international economic agencies, and many others. It seems to me and the committee that it is therefore still necessary to have a policy architect in the White House who can design and build the overriding antiterrorism strategy for and with the President, and to coordinate the implementation of that strategy that will necessarily go beyond the Department of Homeland Security.

The director of this office will work, of course, with the Homeland Security Secretary to develop the national strategy for combating terrorism and the homeland security response. With budget certification authority, the director of this White House office will be able to make sure all the budgets that make up our antiterrorism national strategy fit together smoothly. And because of the critical nature of this job, according to our legislation, the director would be confirmed by the Senate, making him or her accountable to the Congress and to the people of the United States.

That is an overview of our legislation as will be contained in the amendment I look forward to putting before the Senate this evening, after, hopefully, we have adopted the motion to proceed. I am proud that on the guts, on the fundamentals, of this proposal we in the Senate are near unified on this attempt to form, in a very modern context, what our Founders described as ''a more perfect Union.''

Winston Churchill once said:

> A pessimist sees the difficulty in every opportunity; an optimist sees the opportunity in every difficulty.

I think only a big pessimist would see the difficulty in the opportunity this Department would create to secure our people and our homeland. We have crafted here a fundamentally optimistic and I think realistic answer to the homeland security challenges we face—seeing opportunity, not difficulty. As we go forward with amendments and discussion and votes on the remaining differences, I hope and believe that optimism will prevail and constructive action will result. Together, united across party lines, as it has been over and over again throughout history, our great country, which today faces a challenge that is unprecedented, will give the response we are called on to give—which is equally unprecedented.

I yield the floor.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Tennessee.

Mr. THOMPSON. Mr. President, it is indeed true that today we begin consideration of the most significant reorganization of the executive branch in over 50 years. Not since the creation of the Department of Defense and the creation of the national intelligence apparatus in the National Security Act of 1947 has the Senate considered such a massive restructuring of Federal agencies.

Just as World War II and the start of the cold war demonstrated the need to reorganize our defense and intelligence establishment, the terrorist attacks of September 11 demonstrate the need to reorganize our homeland security establishment to address the threat of terrorism and other types of asymmetric warfare against our country and against our people.

I start by acknowledging and thanking Senator LIEBERMAN, the manager of the bill, for his leadership on this issue. He was an early supporter of legislation to reorganize the executive branch to confront emerging threats against our country. He recognized what needed to be done and has worked hard to get us to the point where we are today.

While we have some disagreements in some important areas, in the end we both believe that the creation of a new Department of Homeland Security is needed to make this country safe. Our Nation and the Senate also owe a debt of gratitude to the Members of the Hart-Rudman and Gilmore Commissions. Recommendations from both commissions have contributed greatly to our efforts. Indeed, the proposal before us owes much to the insight and thoughtful recommendations of our former colleagues, Senators Gary Hart and Warren Rudman.

This legislation is one of the centerpieces of our country's overall homeland security strategy. What we do here will have lasting effects on our Nation. It will certainly outlive us. We should not shy away from the fact that

while some bureaucracies will be reduced and eliminated, we will be creating a large new bureaucracy with new leadership, a new mission, and a new culture. However, even advocates of smaller Government realize it is a mission that is vital to the security of this Nation, the most important responsibility of this or any other government and one of the basic responsibilities outlined for the National Government by the framers of our Constitution. That is what we are about today.

I think it is appropriate perhaps to take a moment to reflect on how we got here. It is obvious to all that in the last several years we have undergone a revolution in the world in terms of the advances of modern technology. The same thing has happened with regard to transportation. We have also seen the emerging of a brand of religious radicalism that has infected certain parts of our world. We have seen the merging of those factors together, now, so that a small band of people, a small group of people, or even individuals on the other side of the world can wreak tremendous damage to our homeland.

It is a different world we live in today, and we must have different means of dealing with it. We have seen attacks on us over the last several years that have become more and more indicative of the kind of world we can expect in the future: The Khobar Towers in Saudi Arabia, the original World Trade Center bombing, our embassies have been attacked, the U.S.S. *Cole* has been attacked. There have been other attempts that have failed because of the intelligence we were able to obtain. Attacks have been thwarted.

We have seen over the last few years, through our committee hearings and through reports of the GAO and other governmental entities, a rising pattern of capabilities, in terms not only of terrorism but of rogue nation-states and their increasing ability to deliver weapons of mass destruction, to develop those weapons of mass destruction, and to have the missile capability and other capabilities of delivering those for thousands and thousands of miles.

We have seen intelligence reports reminding us from time to time that this is what is going on out there.

We have not paid as much attention to that in times past as we should have. When we look back with the vision we have now and see the attacks that have come upon us around the world, attacks on our interests and our people, coupled with the intelligence information we were getting here in our own Congress, we should have been able to see, as some of us have seen, that there was a developing pattern out there that needed to be addressed by the Congress.

One of the good things that comes from such a tragedy under which we are now laboring is that it does finally focus our attention and allows us to do some things we should have done some time ago. It is a terrible price to pay in order to get us here, but we are here now and we should take advantage of that opportunity.

How do we react to something like September 11? We react by coming together, as the American people have. We react by being strong militarily and having the kind of leadership that we have to carry out the necessary operations overseas. We are doing that. The President said in the very beginning that it was going to be a long, tough road. Indeed, it is proving to be. It doesn't take a whole lot of effort for people to rally right after an attack. But it is going to take something special from the American people to have the stick-to-itiveness, and to have the stamina it is going to take, over a long period of time, for us to do what we are in the midst of doing now militarily.

We also react by changing our priorities. We cannot continue, in the Congress of the United States, in terms of budgetary matters, for example, to act as if these are normal times. We cannot have guns and butter at all times. We cannot have our cake and eat it, too. We have to prioritize now to deal with this threat that we have to our Nation.

Finally, the other important thing we can do is the one we are dealing with here today, this week, and days hereafter, and that is addressing and improving the institutions we have in our Government to deal with such matters and specifically the new threat we face.

We have seen—Senator LIEBERMAN and I—especially in the Governmental Affairs Committee over the last several years, an increasing array of problems that our Government has. There have been problems in management. There have been problems in trying to develop information technology that the private sector already has up and running. We have spent billions and billions of dollars and still have difficulty in getting that right and integrating those systems into our governmental operations.

We have financial management difficulties. We literally cannot pass an audit as a Government. We lose things and misplace things such as military equipment and other troubling things such as that. We have human capital problems. Half our workforce is going to be eligible for retirement before long. We do not have what we should have, in terms of ability to recruit, ability to retain, ability to keep the people we need and not keep the people we do not need, and pay the ones we need to pay for these high-tech jobs—jobs that are so highly paid out in the private sector—to do the things we have to do in Government now.

All of this presents a real problem to us, as a government, a Government-wide problem that has been growing—and growing all too silently out there—and without us doing too much about it.

The GAO reminds us every year that the same agencies year after year appear on the high-risk list. That is the list that is compiled, as you know, on a yearly basis to lay out the agencies that are most susceptible to waste, fraud, abuse, overlap, duplication, and inefficiencies. The same agencies appear year after year. Some of those agencies are the ones being brought into this homeland security bill.

We can't afford, as we create this new Department, to incorporate the same kinds of problems that we are seeing government-wide because the stakes are too great. It is not just a matter of wasting a few billion dollars of the taxpayers' money; it is a matter that could literally be life and death. This is what this bill is all about. This is why Senator LIEBERMAN took the initiative. This is why the President decided, once the strategic view was presented to him by the people he had commissioned to look at all of this, that a homeland security approach was needed, and that the 22 agencies out there needed to be pulled together into one cohesive entity that could work to make our country safer.

Certainly, there are very important areas. I will not go over all of them. Senator LIEBERMAN has done that.

But border security, for example, has never made any sense when we have people crossing borders, when goods cross the borders, and when plant life crosses the borders—all of which can be dangerous to the American people. They can cross them by water, they can cross the borders by air, they can cross the borders by highways. All of those things are just different aspects of the same problem. It all has to do essentially with border security. It has never made any sense to have all of this dispersed throughout Government.

What the President does and what the committee bill does is to pull those in. We have different ways of doing it. We will have an opportunity to discuss those in more detail as we proceed, but it gets its arms around the border security problem.

A lot of experts will say if you can do much better on the border problem, you can do better in the intelligence area, then you have gone a long way toward solving the problem.

In the intelligence area, the President's approach is to have an intelligence entity that will allow us to protect our infrastructure. As you know, our infrastructure is elaborate, far-flung, and complex. Almost all of it is in private hands. It is an extremely difficult problem to address and to get our arms around and to protect. We can never be totally protected at all times in all ways. It is going to require a great deal of attention and expenditure of money by State, local, and Federal Government over years to come.

We are going to have to address the vulnerabilities that we have. The President's approach would set up a system to assess those vulnerabilities in order to protect those infrastructures. The committee's approach is a broader approach. We will have an opportunity to discuss that.

I have concern about this broader approach because I don't think we can address the difficulties with the intelligence community in this bill and give it to a sub-Cabinet officer to have authority to pull all the dots together and all the things that need to be done in the intelligence community. We have seen, goodness knows, over the last several months and few years the difficulties we have in those areas of collecting intelligence, analyzing intelligence, and disseminating intelligence properly. That, to me, is a very important area that is going to have to be led by the President. It is going to have to be done by the administration. I view that as somewhat separate from the homeland security effort. But we can never mesh our entire intelligence community into this new Department.

The analyses that we are going to need for the Homeland Security Department are also needed by these various intelligence communities.

These are legitimate differences of view and approach that we will have an opportunity to discuss as we proceed. But we all agree that we, No. 1, must do much better in terms of our intelligence community and capabilities government-wide; secondly, this new entity must have some new intelligence entity to assist it to do what we properly decide that it ought to be doing. We will have an opportunity to discuss that in some more detail.

I think as we proceed we can flesh this legislation out and we can make it even better than it is. Senator LIEBERMAN is correct. I think there are many things we have basic agreement on here on a bipartisan basis. There are some serious differences of view on some important areas—differences the majority of the committee took versus what the President wishes to do. I think in these times the President must be given some leeway. It is going to be a long time before we put the final period to the last sentence of this legislation. I think it will be changed, as many other pieces of legislation dealing with the Department of Defense and the Transportation Department and others have changed over the years. I think there will be amendments and changes as we go forward. But it is important that we get off on the right foot.

It is important, for example, that we give the new Department the management tools it needs. I have mentioned some of the problems we have traditionally with Government and the fact that we can't afford to bring those problems into the new Department. We can't expect to keep doing things the same old way and get different results. We don't want those inefficiencies, those overlaps, duplications, and waste, lost items, and things such as that, to follow us into the Department of Homeland Security. We can't have that happen. It won't work.

What is the answer? The answer is to give the new Department sufficient management flexibility in order to address these issues. We have recognized this need in times past. We have given this flexibility in terms of hiring and firing and managing and compensating. Most of it has to do with compensation. A lot of people will say this is anti-employee or union-busting or what not. It has nothing to do with that. Various agencies and the GAO came to us. The IRS came to us. The FAA came to us. The Transportation Security Administration came to us. They all came to us and said: Look, we either have special circumstances or we have special problems and we need some additional tools to deal with that. We need the right people in the right place to deal with those matters.

In every one of those instances which I mentioned, Congress gave it to them. Congress gave them additional flexibilities that are not within the body of title V because we perceived those needs to be exactly as they were described to us.

Now we are pulling 22 agencies together—some of them, quite frankly, already dysfunctional—and giving out these new responsibilities. We talk about how important it is to the new Department.

My question is, If we are going to give these flexibilities to these other agencies, my goodness, why not this one, of all agencies or all departments?

The President's national security authority must be preserved. We have significant disagreement with regard to whether the traditional authority that Presidents have had since President Jimmy Carter in the national security area in terms of the justifiable need to activate collective bargaining agreements with particular entities at particular times, for good reason. Presidents have used this authority judiciously. As far as I know, there has never really been a problem with it.

This bill, as written, would take a step backwards from that authority of the President. I don't think it is fair in these times, of all times, to do that.

On the issue of the White House staff, should we force on the President a Senate-confirmed person in that position when he says he is creating a new Department and a new Secretary with all of this elaborate mechanism, and he wants his personal person—some people make the analogy with the National Security Council, for example, that it is not Senate confirmed—inside the White House working for him?

I assume, as Mr. Ridge is doing today, should we not give the President that? I believe so, after a sound intelligence approach, as I mentioned earlier, with not too many directorates, and not making this more elaborate and complex than we should.

Those are issues that we have. I think they are legitimate. I think they are important. They will be the subject of amendments as we proceed.

But, again, we do not want to look at a glass that is almost full and say that it is almost empty, because it is not. We agree on many, many important fundamental aspects. I think it is our job to get about the consideration of it, and to improve it, to discuss these important issues and differences that we have, and come to a conclusion that is going to achieve what we are all striving for; that is, a safer United States of America.

Mr. President, I yield the floor.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Tennessee for his very thoughtful statement. It has been a pleasure to work with him on the Governmental Affairs Committee, both when he led the committee and in the time that I have. I look forward to working with him in the weeks ahead to achieve what we all want to achieve, notwithstanding some differences that we have today, which is to secure the future of the American people here at home.

I know that the intention was that Senator BYRD would speak next. He is not on the floor at the moment. I note the presence of the Senator from Texas.

Mr. THOMPSON. I would ask that the Senator from Texas be given as much time——

Mr. GRAMM. Why don't I take up to 10 minutes. Every time I have ever heard anybody say they will not use it, they talk more. But certainly everything I would want to say or should say or am competent to say I can say in 10 minutes.

Mr. LIEBERMAN. Very well. Then it would be our understanding, after the Senator from Texas has completed his statement, that Senator BYRD will be recognized.

Mr. THOMPSON. Yes.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I will withhold for a moment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I greatly appreciate my friend from Texas withholding. He has always been very courteous. Today is no different than any other time.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that the Senate proceed to executive session, today, at 12:30 p.m. to consider Executive Calendar No. 962, Terrence McVerry, to be a United States District Judge; that the Senate immediately vote on confirmation of the nomination, that the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, any statements thereon be printed in the RECORD, with the preceding all occurring without any intervening action or debate, and that upon the disposition of the nomination, the Senate resume legislative session and stand in recess until 2:15 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, as in executive session, I ask unanimous consent