

had known his mother and father for many years. They came to me early on when the debate got started and said: We are worried to death about our son. Really, our hope for the future of our family is in the Marines. He is there in the Persian Gulf, and we sure don't want to see anything happen to him.

I assured them that I would think about him constantly as I made my decision on the Persian Gulf war. Of course, we all recall what happened. Finally, after the approval was given, the war was initiated. The land war did not take but 2 or 3 days and it was over. And I thought, at the time, what a great relief it was to be able to call his parents and tell them that it had ended so quickly and so well.

Little did I know that Christian Porter of the U.S. Marine Corps from Springfield, IL, was one of the several hundred American casualties in that war. This young man, whom we all worried about so much, was the victim of friendly fire.

I went to his funeral service in Springfield and to the veterans cemetery afterwards. My heart was broken for that family. But it was a good reminder for this Member of Congress—now a Member of the Senate—to remember what war is all about. It is about the potential loss of life of many innocent people. It is about being in harm's way for many Americans in uniform.

We have to take this responsibility very seriously. And if we are going to take it seriously, we must insist, in Congress, that the administration produce the clear and convincing evidence that an invasion of Iraq is the only option available to us to bring this potential threat under control.

If this administration cannot produce a National Intelligence Estimate which comes to that same conclusion, then, frankly, those of us who have listened to the heavy rhetoric over the last several weeks will understand that, when it comes to the evidence, there is something lacking.

It is time for the administration to rise to the occasion, to produce this evidence, as has been asked for and been produced so many times in the past when America's national security was at risk. We cannot accept anything less than that before any Member of the House or the Senate is asked to vote on this critical question of going to war.

We have to say to the administration: Bring forward your best evidence and your best arguments so that, ultimately, when we make this momentous and historic decision, we can go back to the States and people who we represent and say that we have dispatched our responsibility in a credible, good-faith manner, that we have done everything possible to understand the nature of the threat, and the best response of the United States.

War is the last option. We have to know every element before we make that decision. We have to exhaust

every other opportunity before we reach it.

On Thursday, the President will be at the United Nations in New York. I am certain he is going to remind them that Saddam Hussein is a thug, that he has been a threat to his own people, to the region, and to people around the world with his weapons of mass destruction. He will, undoubtedly, remind them of his cruel invasion of Kuwait, which mobilized the United Nations to defeat him and to displace his troops from Kuwait. He will, undoubtedly, remind them of what has happened since: when the United Nations resolution, which condemns and prohibits Iraq from ever having weapons of mass destruction, has been ignored by Saddam Hussein; how the inspectors, some 4 years ago, were pushed out of his country; and how this man has literally, as a thug, ruled this nation in a manner and form that most civilized countries in the world find reprehensible.

All of those things, I will concede, are true. But the next question facing the United Nations and facing the United States and its people, through its elected representatives in Congress, is: Is it the right thing for us to do?

We cannot make the right decision without the best information. And the production of the National Intelligence Estimate will give us that information.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

#### STAYING IN TOUCH WITH THE AMERICAN PEOPLE

Mr. BYRD. Madam President, the President talks a lot about the coffee shop in Crawford, TX, which brings to mind Uncle Josh and Aunt Nancy's Smokehouse in West Virginia where I have been talking with people for a long time. You ought to come down to that shop sometime—Uncle Josh and Aunt Nancy's Smokehouse. I talk with those people quite often. We have one of those in every State, I suppose. I suppose each of the Senators here has a coffee shop such as the one in Crawford, TX, or like Uncle Josh and Aunt Nancy's Smokehouse in their State. So I have one of those.

It is good to get back home and kind of get the feel of the people and "press the flesh" a little, as Lyndon Johnson used to say, and know what they are saying back there in that coffee shop.

But, Madam President, despite all of his talk about staying in touch with the people at the coffee shop in Crawford, TX, the President seems to have lost touch with the needs of the American people. I worry that the extra caffeine must have affected the

President's ability to take the pulse of America. After looking at some of the administration's actions over the past few weeks, I am almost certain of it.

At almost every turn, the President seems to be a day late and a dollar short. Let me just give a few examples. On July 16, the House added \$700 million of supplemental funding to the Interior bill to fight fires that are raging across this Nation. The administration, through the Office of Management and Budget, wrote to the Congress and strongly objected to that funding. Yet on August 28—just 6 weeks later—the President requested \$825 million for emergency firefighting funding. It is a complete about-face.

In mid-July, the White House, through the Office of Management and Budget, again pressed Congress to reduce the size of the supplemental that was then in conference. The OMB Director, Mitch Daniels, recommended that conferees on the bill reduce funding for the Transportation Security Administration by \$219 million. The conferees acceded to the administration's request. Yet on September 3—just 6 weeks later—the President requested that \$219 million and an additional \$327 million for the Transportation Security Administration. That is \$546 million that, 6 weeks earlier, the administration did not think was necessary.

In late July, Congress approved \$200 million for economic assistance to Israel and \$50 million of disaster assistance for Palestinians, which was not requested by the President. The President had until September 1 to designate the funds as emergency and, thus, make the funds available to spend. The President rejected the funding on September 1. He could have had it then. All he needed to do was sign his name. No, he rejected it on September 1. But 2 days later, on September 3, the President requested—you guessed it—\$250 million for the very same purpose. Are we seeing a pattern here? It is as plain as the noonday Sun on a cloudless sky. On September 4, the administration wrote Congress to stress its desire for Congress to restrain spending by keeping spending for the fiscal year that begins October 1 to a level of \$759 billion, and yet on August 2 and September 3 the President requested \$1.3 billion of additional funding and proposed no offsets for that spending.

The Congressional Budget Office now estimates that the President has requested \$760.5 billion for the fiscal year that begins October 1, and yet the President insists we spend only \$759 billion—that far and no farther, \$759 billion. This President seems to rely on the same types of accounting techniques with regard to homeland security that are causing such problems in corporate America.

The President and his administration love to tell Americans that we are constantly at risk of new terrorist attacks. The President's Cabinet members have been out in great force time

and time again putting the country on alert for a possible terrorist attack. We have been told to watch the bridges, watch the fuel trucks, watch the banks. Remember the little boy who cried wolf too often, too many times?

So we are constantly at risk, the administration says. In fact, just this afternoon the administration raised the Nation's level of alert from yellow to orange, believing there is a high risk for a terrorist attack.

I have been thinking that, too. I suppose most people in this country have been concerned about that as well. Apparently, security concerns have grown by such an extent in the last 24 hours that Americans at home and around the world are being told to be extra vigilant and alert. Specifically, the Attorney General pointed to new threats aimed at embassies overseas, at our Nation's transportation network, and at the symbols and monuments of our country. That is why Congress overwhelmingly included in the emergency supplemental package \$10 million for embassy security. That is why Congress passed \$17.7 million for security at the Washington Monument and the Jefferson Memorial. That is why Congress approved \$150 million for airport security. That is why Congress approved another \$42 million for security at air traffic control towers.

Congress has not been asleep at the wheel. Congress has been acting like Paul Revere in saying: Alert, rise, for the day is passing, and you lie sleeping on. Others have girded their armor and forth to battle have gone. So Congress has been sounding this alert. That is why Congress approved \$150 million for airport security and another \$42 million for security at air traffic control towers, but the administration rejected those items and labeled them as wasteful spending.

Wasteful, my foot. There is nothing wasteful about investing in the security of the American people. Hear me down there at the other end of the avenue. Hear me, Mr. President. There is nothing wasteful about investing in the security of the American people who send us to Washington, whose taxes pay the bills, whose sons and daughters give their blood in wars—the American people.

The only thing wasted by the President's rejection of these funds is time, time necessary to put these dollars to work and put them to work rightly, prudently, carefully, to put these dollars to work and to protect American lives.

The administration is right to warn America when it learns of new, credible terrorist threats, whether at home or abroad. However, Americans must have the tools to secure our homeland. The homeland defense problem cannot be solved simply by moving boxes around on an organizational flowchart or by "now you see it, now you don't" funding shenanigans.

A few weeks ago, Congress approved \$2.5 billion for homeland defense pro-

grams, \$2.5 billion that was put into legislation by this Senate through its Appropriations Committee, in a bipartisan display of support; \$2.5 billion for homeland defense programs to secure our ports, our river ports, our seaports, to secure our airports, to secure our nuclear facilities, to train and equip our Nation's police and firefighters. Those are the people who ran up the steps, those are the people who sought to protect the lives of others, and those are the people who gave their own lives to save the lives of others. Those are the people who have now left widows and orphans, happy dreams forever gone. That is what Congress was thinking of when we put that money in the bill. This funding would have addressed the very security concerns the administration outlined this very afternoon.

The first question that was ever asked in the history of the human race was, "Where art thou?" When God came in the cool of the day, walking in the Garden of Eden looking for Adam, Adam was in hiding. God said, "Adam, where art thou?" That was the first question that was ever asked in the history of the human race: "Adam, where art thou?"

I say, where were you? The people will say to the administration, where were you? Where were you when the Congress passed that measure providing \$2.5 billion for the security, for the welfare, and for the protection of the American people? Where were you, Mr. President? Where were you? It was up to you. Just the signature of a name would have given the \$2.5 billion to the firefighters, the policemen, the health emergency people, would have given you that money for the protection of our nuclear facilities, for the protection of our ports of entry, for better border security to the north, for better border security to the south, for more food inspectors. Why did you turn your back on that money for the security of the American people?

I say again, that funding would have addressed the very security concerns the administration outlined this afternoon. Yet on September 1, the President chose to cancel those funds, turn his back on those funds, push them away. I wonder what goes into that coffee in Crawford?

Today, the Senate passed a drought relief amendment by a 79-to-16 margin. This amendment would provide disaster assistance to our Nation's farmers and ranchers in the face of unprecedented drought. That ought to be pretty easy to understand. I have lived in northern Virginia now for 50 years, the same number of years that I have served in Congress. In those 50 years, I don't recall ever such a drought as we have experienced and such weather as we have experienced as this year. I have been accustomed to pulling up my tomato plants, cutting up the stems, and putting them in the trash bags to be hauled away by the garbage truck. And I have been accustomed to doing that in mid-September or late Sep-

tember. This year, forget it. I did it in mid-August. Those vines were dying. The blossoms that had come earlier had never flowered into tomatoes. Don't think I am a great tomato producer. I only have three or four vines. I have planted as many as seven or eight during the years I have been in McLean, but that is just from a wee tomato farmer.

This is a drought. I have lived now 85 years, lacking a very few days—85 years. I have seen something happening out in the heavens as we witnessed pestilences and droughts, floods and fires. Something has happened. This was an unprecedented drought as far as I am concerned. I am probably not going to put out any tomato plants next year. The country will not miss my tomato plants, but the country misses the signature on that \$2.5 billion that would have been turned loose, that would have been there for the country, for the protection of the people, for all these items and more that I have mentioned.

Yet the President has told our farmers and ranchers that he opposes this funding. How about that? He has told the farmers and ranchers he opposes this funding. But he did not oppose a \$1.3 trillion tax cut that goes for the most part to the wealthiest in this country. Those people never lived on my side of the tracks, the people who are going to be the beneficiaries of most of that tax cut. They did not come from my side of the tracks. No, the people on my side of the tracks have not reaped any benefit from that tax cut. My side of the tracks, yes, had a coffee shop on that side, too, but not many people could afford 5 cents for the cup of coffee.

So when the President tells our farmers and ranchers he opposes this funding, without this help many farms and ranches will dry up and disappear. Congress knows how to take the pulse of the Nation and to respond to the needs of the people. There are people in this Congress who may have lived on the other side of the tracks, mingled with people not just in the Crawford coffee shop but in Uncle Josh's and Aunt Nancy's Smokehouse from where the common people, the ordinary people come.

If we wait for the President to change his mind, there may be no pulse to take for our farmers and ranchers. Once again, the President seems to be a day late and a dollar short. It is time for the administration to wake up and smell the coffee.

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.

Mr. SPECTER. Madam President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. SPECTER. Madam President, I understand that on my call for regular

order, we go back to the pending bill. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. Then I do call for the regular order.

HOMELAND SECURITY ACT OF  
2002—Continued

The PRESIDING OFFICER. The Senate resumes consideration of the pending bill.

Mr. REID. Was there a unanimous consent request, Madam President?

The PRESIDING OFFICER. The Senator from Pennsylvania asked for the regular order.

Mr. REID. What is the regular order?

The PRESIDING OFFICER. The bill, H.R. 5005.

Mr. REID. If my friend would allow me to speak, it is my understanding that we were in a period of morning business with Senators allowed to speak for up to 10 minutes each. Would it not take consent to get out of that?

The PRESIDING OFFICER. Morning business occurs by consent. The regular order was the legislation.

Mr. SPECTER. Madam President, I think I have the floor. If I might just comment, what I would like to do is speak on the bill.

Mr. REID. We would like to hear you speak. But I say to my friend, there would be no amendments. We have the Thompson amendment pending, and we would have to have consent to set that aside, or I guess you could offer a second-degree to Senator THOMPSON's amendment. But you are not planning to offer an amendment?

Mr. SPECTER. Madam President, I don't plan to offer any amendments or anything unusual. I want to make some comments on the pending bill. I don't plan to do anything that would require the presence of anybody here to safeguard their interests. I don't wish to do anything that would be construed as contrary to anybody's interest. I would like to have people here who are on the bill.

Mr. REID. I only say I am sorry I have to leave the floor because I would love to hear the statement of the Senator from Pennsylvania. I say this as affirmatively and sincerely as possible. The Senator always makes statements that are good and direct, and I am sorry to have interrupted him, but I didn't know what was going on.

Mr. SPECTER. I am sorry the Senator from Nevada will not be here to hear my presentation, but there are 97 other Senators who could come. Counting the Presiding Officer and myself and the Senator from Nevada, that leaves 97 others. That is probably more people than are watching on C-SPAN 2, as a matter of fact, Madam President.

AMENDMENT NO. 4513

The pending amendment seeks to speak to the provisions of the bill relating to a National Office for Combating Terrorism, and I believe the thrust of the provisions for this na-

tional office are well founded as a coordinating mechanism. But after discussing the matter in some detail with the author of the bill, the distinguished senior Senator from Florida, and considering the views of the President, who does not want to have a confirmed officer in the West Wing but is looking for an adviser, as former Governor Ridge who is now his adviser, as Dr. Condoleezza Rice is the National Security Adviser—it seems to me there are strong reasons for us to avoid this legislation to have a Secretary of Homeland Security who will be confirmed and then have a Director for the National Office for Combating Terrorism, because all of these duties, in my opinion, can be handled by the Secretary of Homeland Security. So the objectives which the senior Senator from Florida seeks to accomplish can be accomplished without adding this additional office. I know the President does not want another officer confirmed by the Senate. He didn't want one in the first place, and didn't want a Department of Homeland Security, but now has acceded.

Senator LIEBERMAN and I introduced the legislation for a Department of Homeland Security and a Secretary of Homeland Security last October, and eventually the President acceded to that necessity, and there is now a bill on the floor.

But as I look over the responsibilities which the senior Senator from Florida has assigned to the Director of the National Office for Combating Terrorism, it is my view that these duties can be handled by the Secretary of Homeland Security. The responsibilities which are set out in section 201(c):

To develop national objectives and policies for combating terrorism.

I think that is an appropriate function for the Secretary.

To direct . . . [the] assessment of terrorist threats and vulnerabilities to those threats . . .

Again, I think that is something that can be handled by the Secretary.

To coordinate . . . the implementation . . . of the Strategy by agencies with responsibilities for combating terrorism . . .

Again, I think that is something the Secretary can do.

To work with agencies, including the Environmental Protection Agency, to ensure that appropriate actions are taken to address vulnerabilities identified by the Directorate of Critical Infrastructure Protection within the Department.

Again, that is something which the Secretary can handle.

To coordinate, with the advice of the Secretary, the development of a comprehensive annual budget for the programs and activities under the Strategy, including the budgets of the military departments and agencies within the National Foreign Intelligence Program relating to international terrorism . . .

That can be handled by the Secretary. In fact, this provision calls for coordination with the Secretary.

The provision does exclude military programs, projects or activities relat-

ing to force protection. This is a controversial item, as to whether there ought to be somebody with budget authority. I think it is a good idea. Right now there is diverse budget authority with a larger share of it on the intelligence agencies coming out of the Department of Defense. I believe it would be very useful to have that centralized.

When I chaired the Intelligence Committee in the 104th Congress, I proposed legislation which would have brought all of the intelligence agencies under one umbrella, the Central Intelligence Agency. Now I think there is an opportunity to do that with the new Department of Homeland Security since we are taking a fresh look at this area. I know there are objections to giving budget authority to anyone on an overall basis, but it would be my hope that this provision would stay—but it would stay under the dominion of the Secretary of Homeland Security.

The other responsibilities of the Director of the National Office for Combating Terrorism are:

To exercise funding authority for Federal terrorism prevention and response agencies . . .

Stated simply, all of the functions of the Director of the National Office for Combating Terrorism, in my view, can be handled by the Secretary of Homeland Security. I think those objectives are sound.

It is my hope that we will legislate here to put under the umbrella of the Secretary of Homeland Security the necessary authority to protect against terrorists. It is my judgment that had all of the dots been under one umbrella, there would have been a veritable blueprint for what happened on September 11 and that September 11 might well have been prevented. This is the time, with the new Department of Homeland Security to be established, that we have a chance to implement what so many people have proposed.

My idea to bring all of the intelligence agencies under one umbrella in the legislation, which I proposed in the 104th Congress when I chaired the Intelligence Committee, is an idea which has been proposed by many. At the moment, there is on the President's desk a comprehensive proposal to accomplish just that. But the reality is that the turf wars involving the various agencies are so fierce that this is never accomplished. Now we have a chance to do it.

Had the one umbrella been present to identify the FBI Phoenix memorandum—where there was a flight student with a big picture of Osama bin Laden and indicators of potential terrorist activity—had that, combined with the two men identified, who were later hijackers on September 11, in Kuala Lumpur where the CIA never told the FBI or the INS—had that been added to the records—the National Security Agency got it on September 10; it wasn't translated as a threat that something would happen the next day, perhaps later, until the 12th—especially with the information which