

This war is going to be a long one, and it is going to be very difficult because it is a new kind of war. We don't have the luxury we have had for two centuries of two big oceans protecting us from our enemies, for now the enemies have figured out a way to infiltrate within. Of course, all of the U.S. interests and assets around the world, including our ambassadors, are targets we have to protect.

It is appropriate that this legislation is being considered at this time. What do we have to do to help protect future attacks on U.S. soil?

Clearly, there was a colossal intelligence failure on September 11. That is primarily what we need to address. The inexcusable bureaucratic inefficiencies and inability of one hand of the bureaucracy to know what the other hand was doing, all of that has to be ironed out. In the briefings that we have had, I have some degree of confidence that it is being ironed out. It better be. We have no choice. For the only way to thwart the terrorists is to find out what they are going to do before they do it and stop them.

Combining this new threat also requires a more agile government. What we are about to do is undertake the largest governmental reorganization in the last five decades. This new department will combine 22 agencies, 170,000 people, with an annual budget of \$38 billion. But considering the seriousness of the threat and the scope of the restructuring, I must say that I am surprised by the administration's demands that this new Department of Homeland Security be run with minimal accountability to the American people, which includes accountability to this Congress.

There is something that we all swore to uphold when we took office: the Constitution of the United States. The political geniuses who gathered over 225 years ago fashioned a document that had checks and balances so that power could not be concentrated in any one branch of the Government.

So as we start to create this new, vast reorganization of the executive branch, we have to make it accountable to the American people by having it accountable to the Congress, with our oversight functions, with our appropriations functions, with our authorization functions, with all that has served this Nation so well since the beginning of our constitutional government in 1789.

I am concerned and a little bit surprised that the administration demands that they have it their way without the accountability, which is the checks and balances of the Constitution, necessary to the functioning of our constitutional government.

Many of us on both sides of the aisle believe this is an issue of great importance, involving such a massive reorganization of the Government that we must ensure that there are checks and balances. The American people deserve to know how this new department will

be managed and how the resources allocated to the war on terror are going to be used.

Transparency is essential to ensure that this new department is working. I am not sure that is the message that has come from the administration. It is going to be up to us, particularly those of us who feel so strongly about this.

We have heard a number of people talk about the great leadership of Senator LIEBERMAN, the chairman of the Governmental Affairs Committee, and, clearly, the man who not only believes daily and recites daily the U.S. Constitution but carries that Constitution with him wherever he goes, a man who has been in Congress for over 50 years, Senator BYRD, who has expressed his concerns. And there will be more, including mine that I am registering today.

I am afraid that the administration's bill—which, in essence, is the House of Representatives-passed bill—fails to adequately protect the nonhomeland mission of the Coast Guard. Think of that. The Coast Guard overseas a number of important maritime missions, which save countless lives each year, including search-and-rescue operations, Marine safety, and recreational boating safety initiatives.

Am I sensitive to this? You bet. Look how much coastline Florida has. I have not actually measured it against the California coastline, but I suspect ours is greater if not equal to the California coastline.

So is the search-and-rescue operation, Marine safety, recreational boating safety—a non-homeland-defense mission of the Coast Guard—important? Of course, but so is the Coast Guard's mission on law enforcement, which includes drug interdiction, and alien migrant interdiction, and general maritime law enforcement.

Would it not be nice if we in Florida were not sensitive, as we are, to drug interdiction and to alien migrant interdiction? Waves of people try to come to Florida's shores illegally—some with just cause, but of which the Coast Guard plays a very important role. As resources are transferred to the war on terror, we should not forget about protecting people from the nonterrorist threats that can be harmful to our communities.

The final plan to transfer the Coast Guard to a new Department must ensure, in my judgment, that law enforcement safety and transportation missions are not unreasonably compromised. That is why I think we have to adopt the Senate language and protect it then in the conference committee—ironing out the differences between the Senate and House versions.

In addition—and very importantly—the administration's language in the House bill completely undermines workers' rights. Guaranteeing the basic civil service rights of people hired to keep us safe does not and will not jeopardize national security.

What are we trying to protect? We are trying to protect the civil service

of this Federal Government from being politicized, which is the reason why the Hatch Act was passed years ago, decades ago, saying that there was going to be a barrier put up so that any administration, after the Hatch Act, was not going to be able to use the Federal bureaucracy for their political ends; thus, the Hatch Act was enacted.

What the administration's language does is take away those worker rights, those basic civil service rights, and that is not healthy, because it has been healthy, as we have seen how the Federal bureaucracy operates under those protections in the Hatch Act.

The House bill would grant the President a blank check to take away the civil service protections of nearly 170,000 employees of the new agency. I don't think that is in the interest of the country. That is not going to affect the national security. The vague authority granted to the President would exempt employees from traditional labor laws if he determined, without any explanation, that the workers' rights somehow adversely affect the Department's homeland security mission. That is not right for the workers of the new agency, and it is not right for the country.

Finally, the administration bill hangs consumers out to dry by limiting the liability of firms providing new antiterrorism technologies and devices because damages caused by untested technologies that fail to work would be restricted even in cases of gross negligence in the manufacture of those new technologies and equipment and apparatuses. This limited liability provision gives carte blanche then to fly-by-night companies looking to profit from 9/11 by selling products that, at best, do nothing and, at worst, could cause direct harm. I don't think we want to hang those consumers out to dry—indeed, much more than that, we don't want to harm those consumers.

As the clock ticks, the time becomes increasingly somber as we reflect back on what we were doing 365 days ago, what happened to us personally, and how we have changed not only as a nation but individually. I think it is important for us to look at the big picture and that as we fashion a bureaucratic response that is more flexible to protect our homeland, we do so in a wise and cautious fashion.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. SPECTER. Mr. President, in the absence of any other Senator on the floor seeking recognition on the bill or, for that matter, any other purpose, I ask unanimous consent to proceed as if in morning business for 10 minutes.

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

CONGRESSIONAL MEDALS FOR CREW AND PASSENGERS OF FLIGHT 93

Mr. SPECTER. Mr. President, I have sought recognition to proceed as if in morning business to discuss legislation I have pending, S. 1434, a bill which has 69 cosponsors, which would give the Congressional Medal to all of the crew and passengers on flight 93 which crashed in Shanksville, PA, on September 11, 2001.

As we know from cellphone conversations from passengers on that plane, the passengers took over the plane from the terrorists, at least to the extent of depriving the terrorists control where the terrorists, as was widely suspected, were headed for the Capitol of the United States. And the plane crashed in Shanksville, PA, killing all of those on board.

It seems to me this is a unique place for the Congressional Gold Medal, because those passengers saved the Congress. Had that plane reached the Capitol, this Chamber would not now be in existence, nor the Rotunda, nor the House of Representatives. It is hard to say in the morning, perhaps mid-morning, how many Members of the Congress of the United States and staff would not be here today. In seeking this recognition, it is a very unique opportunity to acknowledge those passengers.

This bill has languished because it has gotten tied up, as it is not uncommon for legislation to be tied up for a variety of other reasons. There are some who want to give medals to everyone who died on September 11, which I think is a fine idea. There are some who want to give medals to all of those who were in the rescue squads from the police precincts or fire stations or the Port Authority. And there, again, I think that is a commendable idea. And all the ideas to recognize other people may be fine, but they can take their turn on legislation.

But this legislation ought to be enacted before sunset tomorrow, before September 11, 2002, expires. I am now working with some of my colleagues in the Senate to accomplish that. If we cannot accomplish that, then I am going to ask unanimous consent to call up S. 1434, which has 69 cosponsors. It should have been discharged from committee a long time ago. With 69 cosponsors, that is 18 more votes than necessary to pass legislation in the Senate.

There is a bill in the House of Representatives which approaches the issue slightly differently. The proposal in the House is to leave the decision up to the Attorney General of the United States. Well, that might be a good idea if there was something for the Attorney General to determine that we do not now know. But all of the knowable facts as to what happened on flight 93 are now known.

The Attorney General cannot conduct an investigation and pinpoint any specific individuals. And it is doubtless

true that some individuals were more responsible for taking control of the plane away from the terrorists than others. But all were present. And all of those who were present were accessories to heroism. They lent their support by their presence. Of course, they could not go anywhere else, but the passengers brought down the plane. And the passengers saved the Capitol of the United States.

Interestingly, just yesterday, The New York Times published a release which contains confirmation from key al-Qaida operatives that flight 93 was, in fact, headed for the Capitol. That has been a fairly accepted conclusion, but this is what the New York Times story of yesterday, September 9, says:

Yosri Fouda, correspondent for the satellite station Al-Jazeera, told The Associated Press that he was taken, blindfolded, to a secret location in Pakistan to meet Khalid Shaikh Mohammed and Ramzi Binalshibh in a June interview arranged by al-Qaida operatives.

The thrust of the story is that the al-Qaida operatives said that flight 93 was headed for the Capitol. So, in essence, I think we have waited long enough. I think this action ought to be completed before sunset on September 11, 2002. And I hope we can work out an accommodation from the Members who are now with varying points of view. But, as I say, I will ask unanimous consent that the bill be acted upon before sunset tomorrow.

Mr. President, I ask unanimous consent that the full text of this New York Times report identifying from al-Qaida operatives the fact that this plane, flight 93, was headed for the Capitol, be printed in the RECORD.

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

[From the New York Times, Sept. 9, 2002]

REPORT: CONGRESS WAS ON 9/11 LIST

(By the Associated Press)

DUBAI, United Arab Emirates—The U.S. Congress was the fourth American landmark on al-Qaida's Sept. 11 hit list and the terror group also considered striking U.S. nuclear facilities, according to a purported interview with two al-Qaida fugitives wanted in the terrorist attack.

Yosri Fouda, correspondent for the satellite station Al-Jazeera, told The Associated Press that he was taken, blindfolded, to a secret location in Pakistan to meet Khalid Shaikh Mohammed and Ramzi Binalshibh in a June interview arranged by al-Qaida operatives.

Fouda said he has waited until now to air the audiotaped interview—it is scheduled to be broadcast Thursday on the pan-Arab satellite station—because he wanted to include it in a documentary marking the first anniversary of the Sept. 11 attacks.

In an article in London's Sunday Times, Fouda wrote that he learned during the interviews that the U.S. Congress had been al-Qaida's fourth Sept. 11 target. Two hijacked planes slammed into the World Trade Center, another into the Pentagon, and a fourth went down in a Pennsylvania field.

U.S. counterterrorism officials, speaking on condition of anonymity, said many of Mohammed's statements about the origins of

the Sept. 11 plot are plausible, but they have no information that would verify those claims.

The officials could not corroborate Mohammed's statements that the U.S. Capitol was the intended target of the fourth plane or that nuclear power plants had also been considered as potential targets for the Sept. 11 attacks.

Abu Zubaydah, a top al-Qaida leader in U.S. custody since March, told interrogators that the White House was the fourth plane's target, U.S. officials have said.

U.S. officials regard Mohammed as one of the highest-ranking al-Qaida leaders still at large and believe he is still planning attacks against U.S. interests. U.S. officials say Binalshibh belonged to a Hamburg-based cell led by Mohammed Atta, an Egyptian suspected of leading the Sept. 11 hijackers.

"I am the head of the al-Qaida military committee and Ramzi (Binalshibh) is the coordinator of the 'Holy Tuesday' operation," Fouda quoted Mohammed as saying. Sept. 11, 2001 fell on a Tuesday.

Mohammed said planning for the attacks began 2½ years before Sept. 11 and that the first targets considered were nuclear facilities.

We "decided against it for fear it would go out of control," Fouda quoted Mohammed as saying. "You do not need to know more than that at this stage, and anyway it was eventually decided to leave out nuclear targets—for now."

Fouda, an Egyptian reporter and host of al-Jazeera's investigative program "Top Secret," said he flew to Islamabad, the Pakistani capital, and from there to Karachi on al-Qaida instructions. In Karachi, he was taken blindfolded and via a complicated route to an apartment where he met the two men.

Fouda, speaking by telephone from London, said al-Qaida operatives told him not to bring any electronic equipment—including a camera or recorder—to the interview. The al-Qaida members videotaped the interview but instead of sending a copy of the video as promised, sent him only the audiotape, he said.

At one point while being led to the meeting, Fouda said he thought he was going to meet bin Laden. Speculation has been rife that the al-Qaida leader may be in Pakistan after fleeing U.S. attempts to kill or catch him in neighboring Afghanistan.

Fouda said during the two days he spent talking to the two, Mohammed once referred to bin Laden in the past tense, leading him to believe bin Laden could be dead.

The U.S. officials said they do not consider Mohammed's use of the past tense to refer to bin Laden as any sort of definitive evidence that he is dead.

Fouda said he also learned that Atta, the chief hijacker, had been a sleeper operative in Germany since 1992 and started detailed planning with a 1999 meeting in Afghanistan with other sleepers.

Once in America, Atta communicated with higher ranking al-Qaida officials via e-mail, Fouda wrote. But when he had determined everything was ready, he telephoned Binalshibh in Germany to tell him the date, using a riddle that referred to the shapes of the numbers 9 and 11.

Al-Jazeera, the Qatar-based satellite broadcaster, has drawn world attention with its broadcast of interviews with and statements by bin Laden and his top lieutenants.

Mr. SPECTER. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.