

I think the only legitimate, reasonable course for us is to go through all we can to avoid military action, but if we do not get the results that need to be had, then that is our alternative.

I think we have been on the right course. And we are not finished. Certainly we are not finished. There is all kinds of evidence that things that were promised or ordered to be done have not been done.

I think one of the things we need to consider is times have changed. Times have changed since September 11. Years ago, when there were threats of war, what it involved, of course, was tanks and divisions landing and all kinds of very obvious military activities. Now the real threat is not that, it is terrorism; it is for things that could happen in this country similar to what happened on September 11—without all that preparation, without all that warning. It just happened in very terrible kinds of incidents. So I think in protecting our country, we need to understand the situation is quite different than it was.

There has been a great deal of talk about smoking guns. Frankly, I do not believe you need to see a smoking gun if you go back to the beginning of this whole enterprise. Go back to 1991, when there was a cease-fire arrangement after the gulf war, after Saddam had been driven out of the country he had invaded. And there was a legal basis for it. There was a cease-fire, an agreement, and a succeeding U.N. resolution which was the sound basis for our action in Iraq.

The Council Resolution 687 was adopted in 1991. At the heart of it was a disarmament obligation from Iraq. Then you remember we had inspectors there up until 1998. There was very little cooperation during all that time, and the evidence they had accumulated then is still available. This was all done under international supervision. But nothing was completed. There was not success in forcing Saddam to disarm. So that is where we are at this time.

I think the policy we have to take takes into account what should have been done, what has not been done—this irresponsible activity on the part of Iraq's leadership—and, therefore, we are in the position to have to be prepared to do whatever is necessary to make that happen.

I certainly hope that can happen. And I presume there is going to be some more time for inspectors. Hopefully, based now on another U.N. resolution, which, of course, was done in November of last year, we can put on more pressure to have him comply with that resolution.

The key to this situation, I hope everyone remembers, is to disarm—not necessarily to attack, not to go into Iraq if we can get disarmament. That, obviously, is the thing we are set up to do.

I believe we ought to continue to follow the vote we took in the Senate. I

think it was 77 votes supporting the President to do what he has to do.

Now there are suggestions of having to go back and do that again. I do not understand that, frankly. The basis for that vote is still the basis for where we are today. The authority there is the authority to finish the job that is very threatening to everyone and, indeed, must be completed.

I certainly support the President and his team in terms of trying to come to a resolution on this situation, being prepared to do what we have to do—hopefully, not having to do it—but to be sure we do everything we can to protect Americans, to protect the world, to establish the responsibility that countries have with respect to the U.N. If we are going to have a U.N., if we are going to have U.N. resolutions, then they should be enforced, and they should be expected to comply.

I believe that is where we are. All of us hope for the best and continue, I hope, to support the President to do what is necessary to protect us from another September 11.

Mr. President, 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.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF GORDON ENGLAND TO BE DEPUTY SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and the Committee on Governmental Affairs is discharged from further consideration of the following nomination which the clerk will report.

The legislative clerk read the nomination of Gordon England, of Texas, to be Deputy Secretary, Department of Homeland Security.

The PRESIDING OFFICER. Under the previous order, there are now 20 minutes evenly divided on the nomination.

The Senator from Maine.

Ms. COLLINS. Mr. President, the Presiding Officer had the misfortune last night to be presiding when I presented the qualifications of Secretary Gordon England to be the Deputy Secretary of the new Department of Homeland Security. Unfortunately for the Presiding Officer, the vote did not

occur last night, so he is going to once again hear a little bit more about Secretary England. But since Gordon England is such an unusually well qualified candidate for this position, I will beg the indulgence of the Presiding Officer as I outline for my colleagues who were not here last evening his qualifications for this important post.

Last Wednesday, the Senate voted unanimously to confirm Tom Ridge to be the first Secretary of Homeland Security. Today, I am confident that the Senate will unanimously confirm Gordon England to be Secretary Ridge's Deputy at his side at the helm of this critical new Department.

The Department of Homeland Security opened its doors last Friday. Together, Secretary Ridge and Deputy Secretary England make a formidable team to chart the new Department on a course to protecting our Nation from the threat of terrorist attacks.

As President Bush has said:

Our enemy is smart and resolute, [but] we are smarter and more resolute.

Part of our resolve must be to place the best possible leaders in charge of the new Department of Homeland Security. Gordon England is such a leader. The Committee on Governmental Affairs, which I have the honor of chairing, thoroughly considered his nomination. We held a hearing last Friday. The nominee also responded to extensive prehearing questions. And yesterday the committee unanimously agreed to discharge the nomination to expedite floor consideration.

Gordon England is extraordinarily well qualified for this important post. He currently serves as Secretary of the Navy, a position he has held since May 2001. Moreover, he came to the Navy with an impressive portfolio of management experience. He served as executive vice president of General Dynamics and he was responsible for two major sectors of the corporation: information systems, and international affairs.

Earlier in his career, he served in various executive capacities at a number of divisions of General Dynamics. But as preparation for becoming the Deputy Secretary of Homeland Security, it would be difficult to beat a tour as the Secretary of the Department of the Navy. As Secretary, Gordon England headed a department with a budget of over \$100 billion and consisting of 462,000 sailors and 212,000 marines.

The Department of Homeland Security, which we often describe as a massive new Department, will bring together a civilian workforce of about 170,000 individuals. The Secretary of the Navy not only had many more military employees to supervise, but he had a civilian workforce of 190,000 employees.

Secretary England's extensive experience in managing large complex operations in both the private and public sectors will serve him well as the Deputy Secretary of the new Department.

Moreover, Secretary England brings a complete understanding of the Department of Defense which will prove invaluable in developing the appropriate communications links and levels of coordination between the Department of Defense and the Department of Homeland Security.

The Department of Defense recently established the U.S. Northern Command, or NORCOM, to oversee and further develop land, aerospace, and sea-based military defenses of our homeland. It has also established a new Assistant Secretary of Homeland Security. So it will be critical for the Department of Homeland Security to have a good relationship with the Department of Defense and very good coordination between the two Departments as each performs its mission in defense of our homeland.

Secretary England's knowledge will help ensure that the two Departments work as a team and not at cross-purposes. In short, I believe Secretary England is uniquely qualified for this important job. We are extremely fortunate as a nation to have two such highly qualified individuals as Secretary Tom Ridge and Deputy Secretary Gordon England at the helm of this critical new Department.

I urge my colleagues to join in supporting this important nomination.

Seeing no one seeking the floor, I suggest the absence of a quorum and ask unanimous consent that the time be assigned equally to each side.

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

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.

Mr. LIEBERMAN. Mr. President, I rise today in support of the nomination of Secretary Gordon England to the position of Deputy Secretary of the Department of Homeland Security. Secretary England has earned my appreciation and respect as Secretary of the Navy. We have met in oversight hearings conducted by the Senate Armed Services Committee on which I serve, and by the Airland Subcommittee I have been privileged to chair.

Based on that experience, I have no doubt but that Secretary England will make a highly honorable and effective Deputy Secretary of Homeland Security. His qualifications are not in question, nor is his dedication. Throughout his entire professional career, Secretary England has demonstrated a unique readiness, willingness, and ability to help make America safer.

However, as I have said repeatedly, it will not be enough for this Department to be led by public servants with good judgment, strong experience, and in-depth expertise in homeland security. Of course, that helps tremendously. But more important than the quality

of the officers is the quality of the orders, and in my view, since September 11, the Bush administration has not proven itself bold enough, aggressive enough, or visionary enough to make America significantly safer.

Let me give you three quick examples.

First, intelligence. This administration's failure to confront, much less fix, the fundamental problems that plague our intelligence community has been discouraging, disappointing, and I believe potentially dangerous.

I am, of course pleased that the President, in his State of the Union address, announced his support for the creation of a Terrorism Threat Information Center. For many months now, I and other members of the Senate have been proposing a similar analysis center as a way of addressing one of the most glaring weaknesses in our domestic defenses exposed by the September 11 terrorist attacks. This new center will be the place where the dots are connected, to give our Government a better chance of uncovering terrorist threats and preventing attacks. I am glad that the Administration has finally agreed this is critical to our ability to better protect the American people, though I must admit my frustration that it has taken this long for the President to awaken to the wisdom of this solution.

During the debate over the Department of Homeland Security, I proposed creation of an independent Intelligence Directorate, under the Secretary of Homeland Security, to be staffed by analysts on loan from the FBI, CIA, and other intelligence agencies, and given maximum access to the information about all terrorist threats collected by those agencies. Its purpose would be clear, to connect the dots and overcome the failures to share intelligence that surely contributed to the successful terrorist attacks on our country.

Unfortunately, the President opposed that approach. Instead, the administration insisted on focusing the Department's intelligence center on protecting critical infrastructure, rather than on performing analysis primarily designed to preempt and disrupt attacks before they occur. In the end, a compromise was reached; creating a single directorate that would analyze all terrorist threats as well as assess vulnerabilities to the infrastructure. However, until the President's State of the Union Address, the administration has insisted on implementing its original concept of infrastructure protection.

But there is still serious reason for concern. The President said Tuesday night the new analysis center would answer to the Director of Central Intelligence and would be composed of analytical units from the FBI and the CIA. But Congress's clear intent was that he should create a strong Directorate to "connect the dots" within the Department of Homeland Security. Historic

rivalries among the CIA, FBI, and other intelligence agencies are a major problem we must overcome. Placing this fusion center in the new Department would ensure analysis from an independent entity outside of the existing rivalries. The President's approach perpetuates a major part of the problem. Though I am glad he has finally agreed that we need a single Terrorist Threat Information Center, the President has been altogether too reluctant to challenge the status quo in the intelligence community and the FBI.

Second, the role of the military. As Secretary England understands well, our armed forces have tremendous resources. There are 1.3 million people on active military duty, most of them in the United States, and about 900,000 members of our Reserves and Guard. That's 2.2 million defense personnel. We expect the Department of Homeland Security to employ about 170,000 people.

Taxpayers will invest almost \$393 billion this year, money well spent, in their Department of Defense. The new homeland defense department will probably have a budget, and total resources, about one tenth that.

Now, of course, our military's principal activities will be and must be outside our borders. As we are learning in the effort to disarm Iraq, we need our forces to be strong. We need them to be flexible. We need them to be ready at any time.

But I believe at the same time we can and must use some of our defense assets more effectively here at home. Our Department of Defense has trained, disciplined, cohesive units with more experience in responding to crisis, more technology, and more expertise in dealing with chemical, biological, nuclear, and radiological weapons, than anybody else in government. It has created a new northern command to defend the United States. In this new kind of war taking place on a homeland battlefield, we must use all those resources optimally.

I've put forward some ideas on how to do that, primarily by applying some of the expertise and experience of our National Guard. I hope the administration engages in this discussion and comes forward with some ideas of its own. Secretary England's experience will make him an invaluable contributor to this discussion.

Third, let me briefly discuss the role of the private sector.

"United we stand, divided we fall" is not a cliché. In the case of the war against terrorism, it is a truism, and a warning for us all to heed. This war cannot be won by Government alone. We must be one Nation under collaboration, one Nation under cooperation. I hope Secretary England, who has extensive experience as an engineer and executive in the aerospace industry, is ready to think creatively about how best to engage private industry to better protect us from terrorism, because

in the past 16 months, the Bush administration has been far too passive on this front.

We are paying a price for that passivity. According to a report issued by the Council on Competitiveness in December, the vast majority of U.S. corporate executives do not see their companies as potential targets of terrorism. Only 53 percent of survey respondents indicated that they had made any increased security investments between 2001 and 2002.

And most of the security changes in the past year in the private sector have focused on “guards, gates and guns”, in other words, on protecting the physical security of buildings alone. Despite 80 percent of the respondents to the Council’s survey indicating they had conducted vulnerability assessments related to their physical plants, barely half have studied the vulnerabilities in their telephone and shipping networks, electric power supplies, and supplier companies, and even fewer companies had made any changes based on these assessments.

With 85 percent of our critical infrastructure owned by the private sector, this slow action ought to be a national concern, and correcting it ought to be a national priority.

Another area I believe we should instantly expect more productive public-private partnerships is in vaccine development. I am pleased that the President has now acknowledged the need to build new shields to protect ourselves from the deadly bioterror arrows that our enemies may use against us. This is an urgent priority that our Government has let languish for far too long.

Unfortunately, the administration’s approach to developing medicines to protect us against a bioterror attack has been too narrow, too conventional, too slow, and too small to rise to this urgent challenge. Respectfully, the new initiative announced by the President, what we know about it today, seems to be more of the same. So far, the administration has addressed this problem by providing funding for basic research by academics. But that is not the only thing we need to do to swiftly develop breakthrough new medicines that we can stockpile and deploy.

To do this the right way, we also need to engage our ingenious private sector, the biotechnology and pharmaceutical industries, which have so far shown no interest in this research. Today, even if the academic scientists find a promising lead, there is no company ready to move that antidote or medicine from concept to product, from laboratory to bedside.

Back in December of 2001 I introduced legislation, now cosponsored by Senator HATCH, S. 3148, to provide incentives to private companies to take up and accelerate this vital research.

The BioShield program apparently adopts one of the ideas from our bill, to provide a guaranteed purchase fund for needed medicines. That is good news, and I am glad the President has seen

the wisdom of this approach. I have said for more than a year that we can’t expect these private companies to commit themselves to this R&D if they cannot determine the scope and terms of the market that might await them.

But based on the details the White House has released to date, BioShield does not incorporate any of the other incentives I have proposed, no tax incentives, no intellectual property protections, no liability protections, no incentives to develop research tools or construct manufacturing facilities. It is a bare and belated beginning on what we have to do to engage the private sector in this research.

We are in grave danger. The Defense Science Board estimated in 2000 that we have only 1 of the 57 diagnostics, vaccines and drugs we need to deal with the top 19 bioterror threats. In other words, if you do the math, we were less than 2 percent prepared. No progress has been made since then. The DSB said if we were to launch a major industrial development effort, we might be able to develop twenty of these countermeasures in 5 years and thirty in 10 years. The President’s announcement of \$600 million in funding over 10 years won’t begin to address this massive and threatening gap.

The administration’s failure on this front is, in my view, part of a general myopia. The President seems unwilling to enlist every sector and segment of society to do its part to help us win the war against terrorism. But Americans want to contribute. They want to know what they can do for their country. This would have been the perfect place for the President to pave the way to a new, productive partnership between Government and the private sector. But, regrettably, he has missed the opportunity.

I have put forward a comprehensive proposal to ignite private development of the countermeasures we will need to protect ourselves from the dozens and dozens of bioterror agents that might be used against us. Those medicines, antidotes, and vaccines won’t materialize by accident. Getting that done will take leadership from Washington.

Let me conclude by saying that I appreciate Secretary England’s commitment to serve. The country appreciates his public and private service over the course of the last 40 years, and values his experience, expertise, and management skill which will be focused on this urgent new challenge.

I look forward to partnering with soon to be Deputy Secretary England and Secretary Ridge, but I also look forward to pushing and prodding this administration, which has so far moved too slowly and cautiously in closing our dramatic homeland security vulnerabilities.

Ms. COLLINS. Mr. President, I ask unanimous consent—I know we have the vote ordered for 2:50 p.m.—that the Senator from Virginia have 2 minutes.

Mrs. BOXER. Reserving the right to object, I have an airplane to catch. Can

the Senator withhold until after the vote?

Mr. WARNER. I will withhold until after the vote.

Mrs. BOXER. I so appreciate that.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Gordon England, of Texas, to be Deputy Secretary of the Department of Homeland Security?

Ms. COLLINS. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. LAUTENBERG) would vote “Aye.”

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 29 Ex.]

YEAS—99

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

NOT VOTING—1

Lautenberg

The nomination was confirmed.

The PRESIDING OFFICER. Without objection, the motion to reconsider is laid upon the table.

Mr. WARNER. Mr. President, I rise today to commend the President for the selection of Gordon England for the post to which the Senate will confirm him soon in the newly created Department of Homeland Security.

I have had the privilege of working with Mr. England for some time now. Since he assumed the duties of Secretary of the Navy, we immediately became friends—because we had known

each other while he was in the private sector, but, of course, I having had the privilege of serving as Secretary of the Navy some many years before, we were sort of a band of brothers—those of us who are privileged to serve in the greatest Navy in the world, and particularly in the post as a civilian boss. We have worked together these many years.

I want the record to reflect the extraordinary qualifications of this nominee. The Navy will miss him. But duty calls so often. It did in this instance because the President and Secretary Ridge wanted to draw on someone who had a proven record of management capabilities. Gordon England exhibited that record while he was Secretary of the Navy. He will exhibit it as the hands-on operator of the management decisions in assisting the distinguished Secretary, Mr. Ridge.

I am very pleased with this nomination.

I want to mention just a few things about the distinguished career of this fine person.

He began his career with Honeywell Corporation working as an engineer on the Gemini space program before joining General Dynamics in 1966 as an avionics design engineer in the Fort Worth aircraft division. He also worked as a program manager with Litton Industries on the Navy's E-2C Hawkeye aircraft.

By coincidence, these are programs I worked on somewhat when I was Secretary, Under Secretary, and then, of course, while I have been here in the Senate serving now 25 years on the Senate Armed Services Committee.

He served as executive vice president of General Dynamics Corporation from 1997 until 2001 and was responsible for two major sectors of the corporation—first, information systems, and international.

Previously, he served as executive vice president of the Combat Systems Group, president of General Dynamics Fort Worth aircraft company. Before that, he served as president of General Dynamics land systems company producing land combat vehicles.

He has had this management experience, particularly in high-tech areas. Much of the Homeland Defense Department function will be going to the private sector, encouraging that private sector to design state-of-the-art and beyond—I stress “beyond”—technology to meet the many unknowns with which our Nation and other nations are confronted in this battle against worldwide terrorism.

Mr. England is a native of Baltimore. He graduated from the University of Maryland in 1961 with a bachelor's degree in electrical engineering. In 1975, he earned a master's degree in business administration from the M.J. Neeley School of Business at Texas Christian University. He served as a member of the Defense Science Board and was vice chairman of the National Research Council Committee on the Future of the U.S. Aerospace Industry.

It is an extraordinary record.

If I may say with the greatest respect to our President and to the new Secretary that his first Deputy, Gordon England, in the Department of Homeland Security, I think, can help avert what could come about as a tug of war between the Department of Homeland Security and the Department of Defense as it regards budget matters. Both have the highest priorities, properly accorded by our President, and indeed I think the Congress. Homeland defense is just starting. As their cash flow and appropriations come in, I hope they will be adequate to meet the needs of this new Department. If they are not, I hope we can find other means by which to finance those requirements. They should be given top priority financially and support-wise because they will guard us here at home—augmenting what is in place already by way of the National Guard, the North Command and the other commands of the Department of Defense—many other things that are in place in bringing together the various and disparate agencies and departments and put them under this one head.

I am going to be ever watchful—and I think my good friend, Gordon England, likewise—to advise the Secretary of Defense and to advise the Secretary of Homeland Security. We cannot ever witness a budget war between these two strong and powerful and vitally needed Departments. Gordon England is eminently qualified to see that doesn't happen. Homeland defense starts beyond our shores in the forward-deployed positions of the men and women of the Armed Forces all over the world.

For example, on the battlefields of Afghanistan, we have made great progress.

I had the privilege just this morning of meeting with General Franks to talk about the progress he has made and the challenges that remain in Afghanistan. But he has, in large measure, achieved a goal of stemming the flow of terrorism from that troubled piece of land to other places in the world and will continue to fight that battle.

That is the clearest example I can give right now of where we have to stop terrorism before it comes to our borders. Hopefully, it can be interdicted there and certainly interdicted before it gets into hometowns in America.

Those two Departments must be adequately funded because they will work together to protect this great Nation.

I wish my old friend good luck, fair winds, and flowing seas, as we say in the Navy. He is eminently qualified to take on this position.

I thank the Chair.

LEGISLATIVE SESSION

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

The Senator from Kentucky.

MORNING BUSINESS

Mr. McCONNELL. I ask unanimous consent that there now be a period of morning business, with Senators allowed to speak for up to 10 minutes each.

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

CLEAR SKIES LEGISLATION

Mr. JEFFORDS. Mr. President, during his State of the Union speech, President Bush said that he has,

sent to us [Congress] his Clear Skies legislation that mandates a 70 percent cut in air pollution from power plants over the next 15 years.

What he did not say is that the present Clean Air Act, according to EPA, will do a better and faster job of reducing emissions than his proposal. It will do all that without eliminating vital air quality protections as proposed in the President's Clear Skies bill.

What he did not say is that the proposal's timeline does not work with the Clean Air Act's. It stalls and delays present State and general efforts to achieve air quality standards and it also ignores global warming.

Worse yet, the President's proposal would contribute to the premature death of tens of thousands of people who we could otherwise save by full and faithful implementation of the present Clean Air Act. Under his plan, there will be more areas struggling longer to achieve attainment of air quality standards.

In 2001, large power plants were responsible for emissions of 10.6 million tons of sulfur dioxide, SO_x and 4.1 million tons of nitrogen oxides, NO_x. That is 33 percent and 25 percent less, respectively, from 1990 levels. But that is still far too much pollution going into our air, our lungs and falling onto our land.

These acid rain and smog causing pollutants contribute heavily to premature mortality, asthma and lung disease. They also continue the acidification of ecosystems in New England and elsewhere.

In 2001, EPA advised industry that the Clean Air Act at full implementation would likely require an 80 percent reduction in SO_x and a 70 percent reduction in NO_x from today's pollution levels. EPA also said that mercury, a potent neurotoxic pollutant, would have to be reduced by 90 percent.

EPA said these reductions would have to occur in 2008 for mercury, 2010 for NO_x, and 2012 for SO_x. The President's proposal hits none of these marks, and still takes 6 more years to even get close to the necessary reductions.

The proposal falls significantly short of Clean Air Act requirements. Senators can see a comparison outlined in this chart.

The President's proposal also falls short by approximately 1.4 billion tons