INDEPENDENT AGENCY

CHAPTER 10

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for ''Emergency management planning and assistance'' for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $200,000,000, to remain available until September 30, 2003, of which $150,000,000 is for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.); and $50,000,000 for interoperable communications equipment: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. BYRD. Mr. President, on Tuesday, September 10, 2002, the Attorney General announced an increase in the national threat level to the ''High Risk'' level. The President accepted the recommendation based on what the Attorney General described as specific intelligence received and analyzed by the full intelligence community and corroborated by multiple intelligence sources.

The Attorney General indicated that the likely targets include the transportation and energy sectors and symbols of American power such as U.S. embassies, U.S. military facilities and national monuments.

I intend to offer an amendment to the Interior bill for $937 million of supplemental funding. The package includes $647 million of homeland security funding that draws from the $5.1 billion emergency contingency fund that the President rejected those items that are most directly related to the increased threat. In addition, the amendment includes $200 million for international AIDS programs as was approved by the Senate 79–14 when Senator FRIST offered the amendment last June. The amendment also includes $90 million that the Congress had previously approved for providing long-term health screening and examinations for the emergency personnel who responded to the attack at the World Trade Center.

The Office of Management and Budget currently estimates that there is $940 million available under the discretionary caps for fiscal year 2002 budget authority. Therefore, this amendment does not require an emergency designation by the President. If the President signs the bill, the funds will be made available.

Highlights of the $937 million package include $150 million for security at our nuclear plants and labs, $150 million for the direct costs of new security requirements for our Nation's airports, $150 million to equip and train our Nation's firefighters for dealing with weapons of mass destruction and other threats, $100 million for grants to fire and police departments to improve the interoperability of their communications equipment, $39 million for the Customs Service for improved border security, $17.7 million for increased security at the Washington Monument and Jefferson Memorial, $18 million for USDA for securing biohazardous materials, $12 million for DC for law enforcement costs of the September 28 IMF conference and other national security events, $10 million for embassy security, $200 million for international AIDS, tuberculosis and malaria services, and $90 million for long-term health monitoring of World Trade Center first responders.

I thank the Chair, and I thank all Senators.

The PRESIDING OFFICER. The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Mr. President, the Chair will shortly report H.R. 5005. This morning when the order was entered, we did not know if anyone would oppose either amendment. I have been advised that the comanager of this legislation is going to oppose the Hollings amendment. I, therefore, ask the Chair to designate the Senator from Tennessee as the person controlling the time against the Hollings amendment.

The PRESIDING OFFICER. The Chair will do so.

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will now resume consideration of H.R. 5005, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

Lieberman Amendment No. 4471, in the nature of a substitute.

Thompson/Warner Amendment No. 4513 (to Amendment No. 4471), to strike title II, establishing the National Office for Combating Terrorism, and title III, developing the National Strategy for Combating Terrorism and Homeland Security Response for detection, prevention, protection, response, and recover to counter terrorist threats.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized to offer an amendment.

AMENDMENT NO. 4533 TO AMENDMENT NO. 4471

Mr. HOLLINGS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. Hollings] proposes an amendment numbered 4533 to amendment No. 4471.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the membership and advisors of the National Security Council)

At the end of subtitle D of title I, add the following;

SEC. 173. MODIFICATION OF MEMBERSHIP AND ADVISORS OF NATIONAL SECURITY COUNCIL.

(a) MEMBERS.—Subsection (a) of section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended—

(1) in the fourth undesignated paragraph, by redesignating clauses (1) through (6) as subparagraphs (A) through (G), respectively;

(2) by designating the undesignated paragraphs as paragraphs (1) through (4), respectively; and

(3) in paragraph (4), as so designated—

(A) by striking subparagraphs (E) and (F) and inserting the following new subparagraphs:

''(E) the Attorney General;

''(F) the Secretary of Homeland Security; and''; and

(B) in subparagraph (G), as so redesignated, by striking ''the Chairman of the Munitions Board,'' and all that follows and inserting ''to serve at the pleasure of the President.''.

(b) ADVISORS.—That section is further amended—

(1) by redesignating subsections (g) through (j) and subsection (i), as added by section 301 of the International Religious Freedom Act of 1998 (Public Law 105–292; 112 Stat. 2800), as subsections (i) through (m), respectively;

(2) by transferring subsection (l) (relating to the participation of the Director of Central Intelligence on the National Security Council), as so redesignated, to appear after subsection (f) and redesignating such subsection, as so transferred, as subsection (g); and

(3) by inserting after subsection (g), as so transferred and redesignated, the following new subsections:

''(h) The Director of the Federal Bureau of Investigation may, in the performance of the Director's duties as the head of the Federal Bureau of Investigation and subject to the direction of the President, attend and participate in meetings of the National Security Council.''

Mr. REID. Mr. President, will the Senator withhold for a parliamentary inquiry?

Mr. HOLLINGS. Yes.

Mr. REID. Mr. President, I have been speaking to the manager of the bill, Senator LIEBERMAN. We have two amendments pending. Senator THOMPSON opposes the Hollings amendment. It would seem that the Senator from Tennessee should have one-half hour in opposition to that amendment. Senator LIEBERMAN opposes the Thompson amendment. He should have one-half hour in opposition to that. If the two managers agree with that, we should have that in the form of an order so somebody can designate the time on it.

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

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, I thank the distinguished Chair.

This amendment is so simple that it becomes suspicious, in a sense. All I amend here is the National Security Council so as to include the Attorney General, the future Secretary of Homeland Security, and the Director of the

FBI in an advisory position similar to the CIA as presently included in the 1947 law. The reason for this, of course, is to get not only the responsibility of the Council fixed, but more particularly to realize now that domestic threats are far greater than any international threats. I don't believe Russia is going to attack us. I don't think China is going to attack us. I don't think Saddam, after all he has heard about us attacking him, is going to attack us, except perhaps maybe overseas but not the homeland. But homeland security must be emphasized.

Let me refer immediately to that section of the 1947 act signed by President Harry Truman on July 26, 1947. I quote:

> The functioning of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the government to cooperate more effectively in matters involving the national security.

In other words, the function of joining all the dots is with the National Security Council.

You have all these entities now, here with a new one, to take certain analyses: the Department of Homeland Security. But you still have the CIA, the FBI, the National Security Agency. You have intelligence sections of the State Department. They are all over the Government; Intelligence Committees within the Congress, and everything else like that. Wherein is the responsibility fixed to join the dots?

Harry Truman said it best in 1947. He said: ''The buck stops here.'' So my particular amendment is to fix that responsibility, and assist the President, so there would be no misunderstanding.

Incidentally, only the President of the United States can change this culture of the so-called ''need to know.'' I speak advisedly. I was in the intelligence game back in the 1950s. I was a member of the Hoover Commission. We investigated the CIA, the FBI, the Army, Navy, Air Force intelligence, the Defense Department, the Secret Service, the Q clearance, the atomic energy intelligence, and all the other functions.

I will never forget, in October of 1962, I got a call from my friend who would later operate this desk as a Senator, Bobby Kennedy. Bobby said: I would like to get that report from you with respect to this Cuban missile crisis, and the background on it. I turned over my report, my particular one. I never have gotten it back.

But, in any event, the glaring error that persists this minute is that there are no joining of the dots, people are not talking to each other. Intelligence has gone like economics and trade—globalization, globalization. I cannot emphasize that too much in the little bit of time that is given me.

Immediately after 9/11 the CIA, the FBI, the various intelligence agencies said: Oh, this was a surprise. They could know nothing about a plane going into a building.

Let me talk about terrorism and give you a dateline:

The bombing of the U.S. Embassy in Beirut in April 1983 by the Islamic Jihad; the bombing of the Marine barracks in Beirut in October 1983, also by the Islamic terrorists; the Hezbollah restaurant bombing in April 1984; the Naples USO attack in April 1988; the attempted Iraqi attacks on U.S. posts on January 18 and 19 of 1991; the World Trade Center bombing in February of 1993; the attempted assassination of President Bush by Iraqi agents in April of 1993; the attack on U.S. diplomats in Pakistan in March of 1995; the Khobar Towers bombing in June of 1996; the U.S. Embassy bombings in Nairobi, Kenya, and Dar es Salaam, Tanzania, in 1998; the attack on the U.S.S. *Cole* in October of 2000; and the terrorist attacks on, of course, September 11. And they have not stopped. We have the car bombing outside the U.S. consulate in Karachi, Pakistan, in June of 2002.

Mr. President, I ask unanimous consent this document be printed in the RECORD.

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

TERRORISM TIMELINE

Bombing of U.S. Embassy in Beirut, April 18, 1983: Sixty-three people, including the CIA's Middle East director, were killed, and 120 were injured in a 400-pound suicide truck-bomb attack on the U.S. Embassy in Beirut, Lebanon. The Islamic Jihad claimed responsibility.

Bombing of Marine Barracks, Beirut, October 23, 1983: Simultaneous suicide truck-bomb attacks were made on American and French compounds in Beirut, Lebanon. A 12,000-pound bomb destroyed the U.S. compound, killing 242 Americans, while 58 French troops were killed when a 400-pound device destroyed a French base. Islamic Jihad claimed responsibility.

Hizballah Restaurant Bombing, April 12, 1984: Eighteen U.S. servicemen were killed, and 83 people were injured in a bomb attack on a restaurant near a U.S. Air Force Base in Torrejon, Spain. Responsibility was claimed by Hizballah.

Naples USO Attack, April 14, 1988: The Organization of Jihad Brigades exploded a car bomb outside a USO Club in Naples, Italy, killing one U.S. sailor.

Attempted Iraqi Attacks on U.S. Posts, January 18–19, 1991: Iraqi agents planted bombs at the U.S. Ambassador to Indonesia's home residence at the USIS library in Manila.

World Trade Center Bombing, February 26, 1993: The World Trade Center in New York City was badly damaged when a car bomb planted by Islamic terrorists explodes in an underground garage. The bomb left six people dead and 1,000 injured. The men carrying out the attack were followers of Umar and Abd al-Rahman, an Egyptian cleric who preached in the New York City area.

Attempted Assassination of President Bush by Iraqi Agents, April 14, 1993: The Iraqi intelligence service attempted to assassinate former U.S. President George Bush during a visit to Kuwait. In retaliation, the U.S. launched a cruise missile attack 2 months later on the Iraqi capital Baghdad.

Attack on U.S. Diplomats in Pakistan, March 8, 1995: Two unidentified gunmen killed two U.S. diplomats and wounded a third in Karachi, Pakistan.

Khobar Towers Bombing, June 25, 1996: A fuel truck carrying a bomb exploded outside the U.S. military's Khobar Towers housing facility in Dharhran, killing 19 U.S. military personnel and wounding 515 persons, including 240 U.S. personnel. Several groups claimed responsibility for the attack.

U.S. Embassy Bombings in East Africa, August 7, 1998: A bomb exploded at the rear entrance of the U.S. embassy in Nairobi, Kenya, killing 12 U.S. citizens, 32 Foreign Service Nationals (FSNs), and 247 Kenyan citizens. About 5,000 Kenyans, six U.S. citizens, and 13 FSNs were injured. The U.S. embassy building sustained extensive structural damage. Almost simultaneously, a bomb detonated outside the U.S. embassy in Dar es Salaam, Tanzania, killing seven FSNs and three Tanzanian citizens, and injuring one U.S. citizen and 76 Tanzanians. The explosion caused major structural damage to the U.S. embassy facility. The U.S. Government held Usama Bin Ladin responsible.

Attack on U.S.S. *Cole*, October 12, 2000: In Aden, Yemen, a small dingy carrying explosives rammed the destroyer U.S.S. *Cole*, killing 17 sailors and injuring 39 others. Supporters of Usama Bin Ladin were suspected.

Terrorist Attacks on U.S. Homeland, September 11, 2001: Two hijacked airliners crashed into the twin towers of the World Trade Center. Soon thereafter, the Pentagon was struck by a third hijacked plane. A fourth hijacked plane, suspected to be bound for a high-profile target in Washington, crashed into a field in southern Pennsylvania. More than 5,000 U.S. citizens and other nationals were killed as a result of these acts. President Bush and Cabinet officials indicated that Usama Bin Laden was the prime suspect and that they considered the United States in a state of war with international terrorism. In the aftermath of the attacks, the United States formed the Global Coalition Against Terrorism.

Car Bombing outside U.S. Consulate, June 14, 2002: A suicide bomber drives a car filled with explosives into a guard post outside the U.S. consulate in Karachi, Pakistan, killing 11 Pakistanis and injuring at least 45 people, including one U.S. Marine who is slightly wounded by flying debris.

Mr. HOLLINGS. Now, they say: Well, Senator, you point all those things out. But, after all, we didn't know anything about a plane going into a building.

Well, in December 1994, the al-Qaida hijacked an Air France plane that was headed into the Eiffel Tower. Who has not heard of flying a plane into a structure?

In 1995, the CIA was hot on the Philippines and thwarted the blowup or the crashing of eight planes at one particular time. They learned of the plan to do what? To crash a plane into the CIA building. That was back 6 years before 9/11.

And then, in January of 2000, in Malaysia, there was an article with respect to al-Qaida. Let me read from the article. I quote:

> At the time, the men had no idea that they were being closely watched—or that the CIA already knew some of their names. A few days earlier, U.S. intelligence had gotten wind of the Qaeda gathering. Special Branch, Malaysia's security service, agreed to follow and photograph the suspected terrorists. They snapped pictures of the men sightseeing and ducking into cybercafes to check Arabic Web sites. What happened next, some U.S. counterterrorism officials say, may be

the most puzzling, and devastating, intelligence in the critical months before September 11. A few days after the Kuala Lumpur meeting . . . the CIA tracked one of the terrorists, Nawaf Alhazmi as he flew from the meeting to Los Angeles. Agents discovered that another of the men, Khalid Almihdhar, had already obtained a multiple-entry visa that allowed him to enter and leave the United States as he pleased. (They later learned that he had in fact arrived in the United States on the same flight as Alhazmi.)

Yet astonishingly, the CIA did nothing with this information. Agency officials didn't tell the INS, which could have turned them away at the border. Nor did they notify the FBI, which could have covertly tracked them to find out their mission. Instead, during the year and nine months after the CIA identified them as terrorists, Alhazmi and Almihdhar lived openly in the United States, using their real names, obtaining driver's licenses, opening bank accounts and enrolling in flight schools—until the morning of September 11, when they walked aboard American Airlines Flight 77 and crashed it into the Pentagon.

Mr. President, I ask unanimous consent that this article be printed in the RECORD, in addition to another article of this particular week where we had an informant from the CIA who was staying with them all the time. And when he heard that they were the names, he said: Oh, I knew them. Yeah, they were terrorists and everything else.

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

[From Newsweek, June 10, 2002]

THE HIJACKERS WE LET ESCAPE

(By Michael Isikoff and Daniel Klaidman)

The CIA tracked two suspected terrorists to a Qaeda summit in Malaysia in January 2000, then looked on as they re-entered America and began preparations for September 11. Why didn't somebody try to stop them? Inside what may be the worst intelligence failure of all. A Newsweek exclusive.

Kuala Lumpur is an easy choice if you're looking to lie low. Clean and modern, with reliable telephones, banks and Internet service, the Malaysian city is a painless flight from most world capitals—and Muslim visitors don't need visas to enter the Islamic country. That may explain why Al Qaeda chose the sprawling metropolis for a secret planning summit in early January 2000. Tucked away in a posh suburban condominium overlooking a Jack Nicklaus-designed golf course, nearly a dozen of Osama bin Laden's trusted followers, posing as tourists, plotted future terrorist strikes against the United States.

At the time, the men had no idea that they were being closely watched—or that the CIA already knew some of their names. A few days earlier, U.S. intelligence had gotten wind of the Qaeda gathering. Special Branch, Malaysia's security service, agreed to follow and photograph the suspected terrorists. They snapped pictures of the men sightseeing and ducking into cybercafes to check Arabic Web sites. What happened next, some U.S. counterterrorism officials say, may be the most puzzling, and devastating, intelligence in the critical months before September 11. A few days after the Kuala Lumpur meeting, Newsweek has learned, the CIA tracked one of the terrorists, Nawaf Alhazmi, as he flew from the meeting to Los Angeles. Agents discovered that another of the men, Khalid Almihdhar, had already obtained a multiple-entry visa that allowed him to enter and leave the United States as he pleased. (They later learned that he had in fact arrived in the United States on the same flight as Alhazmi.)

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Unitl now, the many questions about intelligence shortcomings leading up to the attacks have focused on the FBI's clear failure to connect various vague clues that might have put them on the trail of the terrorists. Last week, in the aftermath of Minnesota agent Coleen Rowley's scathing letter ripping the FBI for ignoring warnings from the field, Director Robert Mueller announced a series of reforms aimed at modernizing the bureau.

All along, however, the CIA's Counterterrorism Center—base camp for the agency's war on bin Laden—was sitting on information that could have led federal agents right to the terrorists' doorstep. Almihdhar and Alhazmi, parading across America in plain sight, could not have been easier to find. Newsweek has learned that when Almihdhar's visa expired, the State Department, not knowing any better, simply issued him a new one in June 2001—even though by then the CIA had linked him to one of the suspected bombers of the USS Cole in October 2000. The two terrorists' frequent meetings with the other September 11 perpetrators could have provided federal agents with a road map to the entire cast of 9–11 hijackers. But the FBI didn't know it was supposed to be looking for them until three weeks before the strikes, when CIA Director George Tenet, worried an attack was imminent, ordered agency analysts to review their files. It was only then, on Aug. 23, 2001, that the agency sent out an all-points bulletin, launching law-enforcement agents on a frantic and futile search for the two men. Why didn't the CIA share its information sooner? ''We could have done a lot better, that's for sure,'' one top intelligence official told Newsweek.

The CIA's belated and reluctant admission now makes it impossible to avoid the question that law-enforcement officials have tried to duck for weeks: could we have stopped them? Tenet has vigorously defended his agency's performance in the months before the attacks. In February he told a Senate panel that he was ''proud'' of the CIA's record. He insisted that the terrorist strikes were not due to a ''failure of attention, and discipline, and focus, and consistent effort—and the American people need to understand that.'' Yet last week intelligence officials acknowledged that the agency made at least one mistake: failing to notify the State Department and the INS, so the men could have been stopped at the border.

CIA officials, who have been preparing for the start of Senate intelligence committee hearings this week, seem at a loss to explain how this could have happened. The CIA is usually loath to share information with other government agencies, for fear of compromising ''sources and methods.'' CIA officials also say that at the time Almihdhar and Alhazmi entered the country in January 2000, they hadn't yet been identified as bin Laden terrorists—despite their attendance at the Malaysia meeting. ''It wasn't known for sure that they were Al Qaeda bad-guy operators,'' says one official.

CIA officials also point out that FBI agents assigned to the CIA's Counterterrorism Center were at least informed about the Malaysia meeting and the presence of Almihdhar and Alhazmi at the time it occurred. But FBI officials protest that they only recently learned about the most crucial piece of information: that the CIA knew Alhazmi was in the country, and that Almihdhar could enter at will. ''That was unforgivable,'' said one senior FBI official. This led to a series of intense and angry encounters among U.S. officials in the weeks after September 11. At one White House meeting last fall, Wayne Griffith, a top State Department consular official, was so furious that his office hadn't been told about the two men that he blew up at a CIA agent. (Griffith declined to comment.)

To bolster their case, FBI officials have now prepared a detailed chart showing how agents could have uncovered the terrorist plot if they had learned about Almihdhar and Alhazmi sooner, given their frequent contact with at least five of the other hijackers. ''There's no question we could have tied all 19 hijackers together,'' the official said.

It was old-fashioned interrogation and eavesdropping that first led U.S. intelligence agents to the Qaeda plotters. In the summer of 1998, only a couple of weeks after bin Laden operatives truck-bombed two U.S. Embassies in Africa, the FBI got a break: one of the Nairobi bombers had been caught. Muhammad Rashed Daoud al-Owhali, a young Saudi from a wealthy family who became a fierce bin Laden loyalist, was supposed to have killed himself in the blast. Instead, he got out of the truck at the last moment and fled. He was arrested in a seedy Nairobi hotel, waiting for his compatriots to smuggle him out of the country.

Questioned by the FBI, al-Owhali made a detailed confession. Among the information he gave agents was the telephone number of a Qaeda safe house in Yemen, owned by a bin Laden loyalist named Ahmed Al-Hada (who, it turns out, was also Almihdhar's father-in-law).

U.S. intelligence began listening in on the telephone line of the Yemen house, described in government documents as a Qaeda ''logistics center,'' where terrorist strikes—including the Africa bombings and later the *Cole* attack in Yemen—were planned. Operatives around the world phoned Al-Hada with information, which was then relayed to bin Laden in the Afghan mountains.

In late December 1999, intercepted conversations on the Yemen phone tipped off agents to the January 2000 Kuala Lumpur summit, and to the names of at least two of its participants: Almihdhar and Alhazmi. The condo where the meeting took place was a weekend getaway owned by Yazid Sufaat, a U.S.-educated microbiologist who had become a radical Islamist and bin Laden follower. He was arrested last December when he returned from Afghanistan, where he had served as a field medic for the Taliban. Sufaat's lawyer says his client let the men stay at his place because ''he believes in allowing his property to be used for charitable purposes.'' But he claims Sufaat had no idea that they were terrorists.

After the meeting, Malaysian intelligence continued to watch the condo at the CIA's request, but after a while the agency lost interest. Had agents kept up the surveillance, they might have observed another beneficiary of Sufaat's charity: Zacarias Moussaoui, who stayed there on his way to the United States later that year. The Malaysians say they were surprised by the CIA's

lack of interest following the Kuala Lumpur meeting. ''We couldn't fathom it, really,'' Rais Yatim, Malaysia's Legal Affairs minister, told Newsweek. ''There was no show of concern.''

Immediately after the meeting, Alhazmi boarded a plane to Bangkok, where he met a connecting flight to Los Angeles on Jan. 15, 2000. Since the CIA hadn't told the State Department to put his name on the watch list of suspected terrorists, or told the INS to be on the lookout for him, he breezed through the airport and into America. Almihdhar was also on the plane, though CIA agents did not know it at the time.

The CIA is forbidden from spying on people inside the United States. Had it followed standard procedure and passed the baton to the FBI once they crossed the border, agents would have discovered that Almihdhar and Alhazmi weren't just visiting California, they were already living there. The men had moved into an apartment in San Diego two months before the Kuala Lumpur meeting.

The CIA's reluctance to divulge what it knew is especially odd because, as 2000 dawned, U.S. law-enforcement agencies were on red alert, certain that a bin Laden strike somewhere in the world could come at any moment. There was certainly reason to believe bin Laden was sending men here to do grave harm. Just a few weeks before, an alert Customs inspector had caught another Qaeda terrorist, Ahmed Ressam, as he tried to cross the Canadian border in a rental car packed with explosives. His mission: to blow up Los Angeles airport. Perhaps agency officials let down their guard after warnings about a Millennium Eve attack never materialized. Whatever the reason, Alhazmi and Almihdhar fell off their radar screen.

Free to do as they pleased, the 25-year-old Alhazmi and 26-year-old Almihdhar went about their terrorist training in southern California. They told people they were buddies from Saudi Arabia hoping to learn English and become commercial airline pilots. The cleanshaven Alhazmi and Almihdhar played soccer in the park with other Muslim men and prayed the required five times a day at the area mosque. They bought season passes to Sea World and dined on fast food, leaving the burger wrappers strewn around their sparsely furnished apartment. And, despite their religious convictions, the men frequented area strip clubs. Neighbors found it odd that the men would rarely use the telephones in their apartment. Instead, they routinely went outside to make calls on mobile phones.

People who knew the men recall that they couldn't have been more different. Alhazmi was outgoing and cheerful, making friends easily. He once posted an ad online seeking a Mexican mail-order bride, and worked diligently to improve his English. By contrast, Almihdhar was dark and brooding, and expressed disgust with American culture. One evening, he chided a Muslim acquaintance for watching ''immoral'' American television. ''If you're so religious, why don't you have facial hair?'' the friend shot back, Almihdhar patted him condescendingly on the knee. ''You'll know someday, brother,'' he said.

Neither man lost sight of the primary mission: learning to fly airplanes. Almihdhar and Alhazmi took their flight lessons seriously, but they were impossible to teach. Instructor Rick Garza at Sorbi's Flying Club gave both men a half-dozen classes on the ground before taking them up in a single-engine Cessna in May. ''They were only interested in flying big jets,'' Garza recalls. But Garza soon gave up on his hapless students. ''I just thought they didn't have the aptitude,'' he says. ''They were like Dumb and Dumber.''

Had law-enforcement agents been looking for Alhazmi and Almihdhar at the time, they could have easily tracked them through bank records. In September 2000, Alhazami opened a $3,000 checking account at a Bank of America branch. The men also used their real names on driver's licenses, Social Security cards and credit cards. When Almihdhar bought a dark blue 1988 Toyota Corolla for $3,000 cash, he registered it in his name. (He later signed the registration over to Alhazmi, whose name was on the papers when the car was found at Dulles International Airport on September 11.) Of course, agents might have used another resource to pinpoint their location: the phone book, Page 13 of the 2000–2001 Pacific Bell White Pages contains a listing for ''alhazmi Nawaf M 6401 Mount Ada Rd. xxxxxxxxxxx.''

By then, though, the case seems to have gotten lost deep in the CIA's files. But Almihdhar's name and face surfaced yet again, in the aftermath of the October 2000 bombing of the *Cole*. Within days of the attack, a team of FBI agents flew to Yemen to investigate. They soon began closing in on suspects. One was a man called Tawfiq bin Attash, a.k.a. Khallad, a fierce, one-legged Qaeda fighter. When analysts at the CIA's Counterterrorism Center in Langley, Va., pulled out the file on Khallad, they discovered pictures of him taken at the Kuala Lumpur meeting. In one of the shots, he is standing next to Almihdhar.

If, as the CIA now claims, it wasn't certain that Almihdhar had terrorist connections, it certainly knew it now. And yet the agency still did nothing and notified no one.

In mid- to late 2000, Almihdhar left San Diego for good. It appears that he spent the next several months bouncing around the Middle East and Southeast Asia. While he was away, his visa expired—a potentially big problem. Yet since the CIA was still not sharing information about Almihdhar's Qaeda connections, the State Department's Consular Office in Saudi Arabia simply rubber-stamped him a new one.

Almihdhar returned to the United States on July 4, 2001, flying into New York. He spent at least some of the time leading up to September traveling around the East Coast and, at least once, meeting with Mohamed Atta and other September 11 plotters in Las Vegas.

Meanwhile, Alhazmi, having flunked out of two California flight schools, decided to try his luck in Phoenix in early 2001. There he hooked up with Qaeda terrorist in training, Hani Hanjour, who eventually piloted Flight 77. In April 2001 Alhazmi headed east, and was pulled over for speeding. Oklahoma State Trooper C. L. Parkins ran Alhazmi's California driver's license through the computer, checked to see if the car was stolen and made sure there wasn't a warrant out for Alhazmi's arrest. When nothing came up, he issued the terrorist two tickets, totaling $138, and sent him on his way. (The tickets were not discovered until after 9–11.) Like Almihdhar, Alhazmi eventually went east, spending time in New Jersey and Maryland. On Aug. 25, he used his credit card to purchase two tickets for Flight 77.

Two days earlier, CIA officials finally, and frantically, awoke to their mistake. That summer, as U.S. intelligence picked up repeated signals that bin Laden was about to launch a major assault, Tenet ordered his staff to scrub the agency's files, looking for anything that might help them thwart whatever was coming. It didn't take long to discover the file on Almihdhar and Alhazmi. CIA officials checked with the INS, only to discover that Almihdhar had traveled out of the country, and was allowed back in on his new visa. On Aug. 23, the CIA sent out an urgent cable, labeled immediate, to the State Department, Customs, INS and FBI, telling them to put the two men on the terrorism watch list.

The FBI began an aggressive, ''full field'' investigation. Agents searched all nine Marriott hotels in New York City, the place Almihdhar had listed as his ''destination'' on his immigration forms in July. They also searched hotels in Los Angeles, where the two men originally entered the country back in 1999. But it's unclear whether agents scoured public records for driver's licenses and phone numbers or tried to track plane-ticket purchases. In preparation for their mission, the men had gone to ground.

Now, amid the escalating blame wars in Washington, federal agents are left to wonder how different things might have been if they'd started that search nearly two years before. The FBI's claim that it could have unraveled the plot by watching Alhazmi and Almihdhar, and connecting the dots between them and the other terrorists, seems compelling.

The links would not have been difficult to make: Alhazmi met up with Hanjour, the Flight 77 pilot, in Phoenix in late 2000; six months later, in May 2001, the two men showed up in New Jersey and opened shared bank accounts with two other plotters, Ahmed Alghamdi and Majed Moqed. The next month, Alhazmi helped two other hijackers, Salem Alhazmi (his brother) and Abdulaziz Alomari, open their own bank accounts. Two months after that, in August 2001, the trail would have led to the pilot's ringleader, Mohamed Atta, who had bought plane tickets for Moqed and Alomari. What's more, at least several of the hijackers had traveled to Las Vegas for a meeting in summer 2001, just weeks before the attacks. ''It's like three degrees of separation,'' insists an FBI official.

But would even that have been enough? There's no doubt that Alhazmi and Almihdhar could have been stopped from coming into the country if the CIA had shared its information with other agencies. But then two other hijackers could have been sent to take their place. And given how little the FBI understood Al Qaeda's way of operating—and how it managed to mishandle the key clues it did have—it's possible that agents could have identified all 19 hijackers and still not figured out what they were up to. That, one former FBI official suggests, could have led to the cruelest September 11 scenario of all: ''We would have had the FBI watching them get on the plane in Boston and calling Los Angeles,'' he says. '' 'Could you pick them up on the other end?' ''

[From Newsweek, Sept. 16, 2002]

THE INFORMANT WHO LIVED WITH THE HIJACKERS

(By Michael Isikoff with Jamie Reno)

At first, FBI director Bob Mueller insisted there was nothing the bureau could have done to penetrate the 9–11 plot. That account has been modified over time—and now may change again. Newsweek has learned that one of the bureau's informants had a close relationship with two of the hijackers: he was their roommate.

The connection, just discovered by congressional investigators, has stunned some top counterterrorism officials and raised new concerns about the information-sharing among U.S. law-enforcement and intelligence agencies. The two hijackers, Khalid Almihdhar and Nawaf Alhazmi, were hardly unknown to the intelligence community. The CIA was first alerted to them in January 2000, when the two Saudi nationals showed up at a Qaeda ''summit'' in Kuala Lumpur, Malaysia. FBI officials have argued internally for months that if the CIA had more quickly passed along everything it knew about the two men, the bureau could have hunted them down more aggressively.

But both agencies can share in the blame. Upon leaving Malaysia, Almihdhar and Alhazmi went to San Diego, where they took flight-school lessons. In September 2000, the two moved into the home of a Muslim man who had befriended them at the local Islamic Center. The landlord regularly prayed with them and even helped one open a bank account. He was also, sources tell Newsweek, a ''tested'' undercover ''asset'' who had been working closely with the FBI office in San Diego on terrorism cases related to Hamas. A senior law-enforcement official told Newsweek the informant never provided the bureau with the names of his two houseguests from Saudi Arabia. Nor does the FBI have any reason to believe the informant was concealing their identities. (He could not be reached for comment.) But the FBI concedes that a San Diego case agent appears to have been at least aware that Saudi visitors were renting rooms in the informant's house. (On one occasion, a source says, the case agent called up the informant and was told he couldn't talk because ''Khalid''—a reference to Almidhdhar—was in the room.). I. C. Smith, a former top FBI counterintelligence official, says the case agent should have been keeping closer tabs on who his informant was fraternizing with—if only to seek out the houseguests as possible informants. ''They should have been asking, 'Who are these guys? What are they doing here?' This strikes me as a lack of investigative curiosity.'' About six weeks after moving into the house, Almidhdhar left town, explaining to the landlord he was heading back to Saudi Arabia to see his daughter. Alhazmi moved out at the end of 2000.

In the meantime, the CIA was gathering more information about just how potentially dangerous both men were. A few months after the October 2000 bombing of the USS *Cole* in Yemen, CIA analysts discovered in their Malaysia file that one of the chief suspects in the *Cole* attack—Tawfiq bin Attash—was present at the ''summit'' and had been photographed with Almihdhar and Alhazmi. But it wasn't until Aug. 23, 2001, that the CIA sent out an urgent cable to U.S. border and law-enforcement agencies identifying the two men as ''possible'' terrorists. By then it was too late. The bureau did not realize the San Diego connection until a few days after 9–11, when the informant heard the names of the Pentagon hijackers and called his case agent. ''I know those guys,'' the informant purportedly said, referring to Almihdhar and Alhazmi. ''They were my roommates.''

But the belated discovery has unsettled some members of the joint House and Senate Intelligence Committees investigating the 9–11 attacks. The panel is tentatively due to begin public hearings as early as Sept. 18, racing to its end-of-the-year deadline. But some members are now worried that they won't get to the bottom of what really happened by then. Support for legislation creating a special blue-ribbon investigative panel, similar to probes conducted after Pearl Harbor and the Kennedy assassination, is increasing. Only then, some members say, will the public learn whether more 9–11 secrets are buried in the government's files.

Mr. HOLLINGS. So what you have, in January of 2000, is not only the informant, the CIA had the information. Again, like I said, they did not communicate it. The dots are never going to get joined. I can see poor Condoleezza Rice standing up and saying: We didn't have anything specific. We didn't have anything specific. She will never get anything specific. She will not get a phone call saying, ''We are coming,'' like we have already called Saddam with. We have told him, ''We are coming.'' But that is not the way the world works with the al-Qaida crowd.

So right to the point, on July 10, 2001, the FBI learned about the Phoenix, AZ, flight school. A memo was sent to the FBI. But it stopped at midlevel—never communicated to the White House, never communicated to the CIA. Again, the dots not joined. I can tell you that right here and now.

Here is a news story from July 21, 2001, before 9/11 of last year, in the Iraqi news. The name of that particular newspaper is Al-Nasiriya.

Quoting from it:

Bin Ladin has become a puzzle and a proof also, of the inability of the American federalism and the CIA to uncover the man and uncover his nest. The most advanced organizations of the world cannot find the man and continues to go in cycles in illusion and presuppositions.

It refers to an exercise called ''How Do You Bomb the White House.'' They were planning it.

Let me read this to all the colleagues here:

The phenomenon of Bin Ladin is a healthy phenomenon in the Arab spirit. It is a decision and a determination that the stolen Arab self has come to realize after it got bored with promises of its rulers; After it disgusted itself from their abomination and their corruption, the man had to carry the book of God . . . and write on some white paper ''If you are unable to drive off the Marines from the Kaaba, I will do so.'' It seems that they will be going away because the revolutionary Bin Ladin is insisting very convincingly that he will strike America on the arm that is already hurting.

In other words, the World Trade Towers. Here, over a year ahead of time in the open press in Iraq, they are writing that this man is planning not only to bomb the White House, but where they are already hurting, the World Trade Towers.

I ask unanimous consent to print this article in the RECORD.

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

[From Al-Nasiriya, July 21, 2001]

AMERICA, AN OBSESSION CALLED OSAMA BIN LADIN

(By Naeem Abd Muhalhal)

Osama Bin Ladin says that he took from the desert its silence and its anger at the same time.

He has learned how to harm America and has been able to do it, for he gave a bad reputation to the Pentagon as being weakened in more than one spot in the world. In order to follow one step taken by Bin Ladin America has put to work all its apparatus, its computers and its satellites just as the governor cowboy of Texas has done. Bin Ladin's name has been posted on all the internet sites and an amount of $5 million dollars has been awarded to anyone who could give any information that would lead to the arrest of this lanky, lightly bearded man. In this man's heart you'll find an insistence, a strange determination that he will reach one day the tunnels of the White House and will bomb it with everything that is in it.

We all know that every age has its revolutionary phenomenon. In Mexico there was Zapata. In Bolivia there was Che Guevara, during the seventies came out Marcos and the Red Brigades in Italy, the Baader Meinhof Gang in Germany and there was Leila Khaled the Palestinian woman and others. They all appeared in violence and disappeared quietly. During the nineties Bin Ladin came out in the open having been completely overtaken in his mind by the robbery happening to his country and its treasurers. For him it was the beginning of the revolution. For this endeavor he mobilized everything that he had of money, of investments and Sudan was his first stop. Bin Ladin ended up in Afghanistan where his revolutionary drive pushed this stubborn revolutionary to plan very carefully, and in a very detailed manner, his stand to push back the boastful American onslaught and to change the American legend into a bubble of soap.

Because Bin Ladin knows what causes pain to America, he played America's game, just as an oppressed man entertains itself with the thing oppressing him. He countered with the language of dynamite and explosives in the city of Khobar and destroyed two US embassies in Nairobi and Dar al Salaam.

America says, admitting just like a bird in the midst of a tornado, that Bin Ladin is behind the bombing of its destroyer in Aden. The fearful series of events continues for America and the terror within America gets to the point that the Governor of Texas increases the amount of the award, just as the stubbornness of the other man and his challenge increases. This challenge makes it such that one of his grandchildren comes from Jeddah traveling on the official Saudi Arabia airlines and celebrates with him the marriage of one of the daughters of his companions. Bin Ladin has become a puzzle and a proof also, of the inability of the American federalism and the C.I.A. to uncover the man and uncover his nest. The most advanced organizations of the world cannot find the man and continues to go in cycles in illusion and presuppositions. They still hope that he could come out from his nest one day, they hope that he would come out from his hiding hole and one day they will point at him their missiles and he will join Guevara, Hassan Abu Salama, Kamal Nasser, Kanafani and others. The man responds with a thin smile and replies to the correspondent from Al Jazeera that he will continue to be the obsession and worry of America and the Jews, and that even that night he will practice and work on an exercise called ''How Do You Bomb the White House.'' And because they know that he can get there, they have started to go through their nightmares on their beds and the leaders have had to wear their bulletproof vests.

Meanwhile America has started to pressure the Taliban movement so that it would hand them Bin Ladin, while he continues to smile and still thinks seriously, with the seriousness of the Bedouin of the desert about the way he will try to bomb the Pentagon after he destroys the White House . . .

The phenomenon of Bin Ladin is a healthy phenomenon in the Arab spirit. It is a decision and a determination that the stolen Arab self has come to realize after it got bored with promises of its rulers: After it disgusted itself from their abomination and their corruption, the man had to carry the book of God and the Kalashnikov and write on some off white paper ''If you are unable to drive off the Marines from the Kaaba, I will do so.'' It seems that they will be going away because the revolutionary Bin Ladin is insisting very convincingly that he will strike America on the arm that is already hurting. That the man will not be swayed by the plant leaves of Whitman nor by the ''Adventures of Indiana Jones'' and will curse the

memory of Frank Sinatra every time he hears his songs. This new awareness of the image that Bin Ladin has become gives shape to the resting areas and stops for every Arab revolutionary. It is the subject of our admiration here in Iraq because it shares with us in a unified manner our resisting stand, and just as he fixes his gaze on the Al Aqsa we greet him. We hail his tears as they see the planes of the Western world taking revenge against his heroic operations by bombing the cities of Iraq . . .

To Bin Ladin I say that revolution, the wings of a dove and the bullet are all but one and the same thing in the heart of a believer.

Mr. HOLLINGS. Then on August 15, just prior to September 11 of last year, we had Moussaoui arrested in Minnesota. He wanted to know how to fly a plane, but not how to take off in a plane. And the FBI's Coleen Rowley, from Minnesota, testified before the Congress that she had written a memo, and the way she summed it up, they could crash the plane into the World Trade Towers.

Again, Mr. President, I could continue to go down the list, but we have this USA Today article of September 2 of this year, where the hijacker allegedly bragged what they were going to do on September 11. The year before the attacks, the Germans reported the particular terrorist saying that was exactly what they were going to do.

And there is a Time magazine article of May 27 of this year that sums up how the United States missed all of the clues. We have seen all the particular articles, and now we have the amendment in to fix the problem.

Let me just say a word about, and not in any criticism of our distinguished Director of the National Security Council, but Condoleezza Rice is about as steeped in domestic security as I am in foreign policy.

You can't find anyone more qualified in foreign policy. This young lady graduated at 20 years of age Phi Beta Kappa from the University of Denver. Then she earned her master's at the University of Notre Dame a year later, when she was 21. At the age of 27, she received her doctorate from the School of International Studies at the University of Denver, and then in 1981 became a faculty member of Stanford University in foreign policy.

So she has been steeped in that particular discipline all her life. Let me quote from her particular biography:

The Bush administration has substantially restructured the National Security Council during its first three weeks in office, providing an early indication of how the new White House plans to handle foreign policy.

She cut the NSC staff by a third, reorganized it to emphasize defense strategy, national missile defense, and international economics.

In a White House first, Rice has expanded her regular meetings with Secretary of State Colin L. Powell and Defense Secretary Donald H. Rumsfeld to include Treasury Secretary Paul O'Neill.

It also indicates:

. . . Bush's desire to decrease U.S. involvement in the Balkans and signal to Russia ''that this administration is not going to treat Russia as a special case.'' Other notable changes have been the elimination of the divisions handling international environmental and health issues, and of the NSC's communications and legislative offices.

The reason I point this out is that prior to coming on board, the previous Director of the National Security Council, Sandy Berger, had a one-on-one meeting, telling Dr. Rice: Look, you are coming on board, and most of your time is going to be taken up with counterterrorism. There isn't any question about it. But what does she do? Instead, she takes action on everything that she knows about and she is absolutely authoritative in, but is not the need of the moment.

My problem with this bill is that it doesn't include any of the agencies that had a failure on 9/11 in the proposed Department. The CIA failed. The FBI failed. The National Security Agency failed. On September 10, the NSA got a message in Arabic: Tomorrow is zero hour. But they didn't translate it from Arabic into English until September 12. And then the National Security Council, limply standing there, not being informed of anything, just said: Well, they didn't give us anything specific.

It is the National Security Council's function to bring all the elements together, the gathering of intelligence, the analysis of intelligence, the joining of dots, the fixing of responsibility. The buck stops here. That is what this simple amendment does.

It puts the FBI Director on the Council. Now we have a domestic intelligence effort, something we never had. I met immediately with Bob Mueller. I have his particular budget. I gave him some $750 million to up-date his computers and synchronize them with the FAA and the Immigration Service, the Border Patrol, and everything else, so that we could have one-stop shopping on knowledge of any kind of a terrorist threat.

We also gave him the money transfer of the funds last fall to institute his new Department of Domestic Intelligence. Now the Domestic Intelligence is supposed to give that over to the Department of Homeland Security. But the Homeland Department does not gather any intelligence. It only takes what it is given, and it only analyzes what is given and, in a sense, doesn't know what to ask for because they are not in the game. It is the same with the CIA. I can see right now a breakdown continuing between domestic and foreign intelligence.

I have talked to Director Mueller on this particular score. He has hired experienced CIA personnel at the FBI to help him set it up as a Department of Domestic Intelligence. He says he is talking with the CIA. But he hasn't really gotten all the way down to his agents and directors talking at the State level. They have yet to talk to the chiefs of police. I know because we have had meetings with respect to port security. It will take time. It may take 5 years for this new Department to really get in gear and work correctly.

But let me say here and now that we have to have this fixed. The only place I know to be able to fix it is with the President himself—and we have that type of President. That President is no nonsense. He wants to have on his desk timely reports on intelligence, just like he gets from Carl Rove, timely reports on politics. Let's give the emphasis and time—a little bit at least—to intelligence. Give me those timely reports. And that timely report has to be fused not just from the Department of Homeland Security, or the office, or the bureau, or whatever else they call Governor Ridge over there, but it has to be fused at the National Security Council level, with foreign intelligence.

I am not for the President having to get his director over here confirmed by the Senate. I would favor the Thompson amendment. We don't want the National Security Council Director to come here and be confirmed. I think Governor Ridge, in contrast to Condoleezza Rice, knows law enforcement. He has been a Governor, been in Congress, been chief law enforcement officer of Pennsylvania. He knows domestic security, which is something that Dr. Rice has never been into until 9/11. She will have a hard time learning at that level, unless she gets help.

So I think Governor Ridge is an excellent individual in that White House, or wherever they put him, to help her begin to report. But she has to ultimately, as Director, fuse domestic with foreign intelligence, and all the other intelligence you might get from places like the Drug Enforcement Administration. The financing of terrorism is drugs. We know it. They have to follow the banks. She has to get intelligence from the Secretary of the Treasury. She has to work with all these particular entities, and the President doesn't have to take this volumes and volumes of intelligence reports and sit down and read all day. It has to be not only analyzed but prioritized. So it is right in front of him, what he has to give his attention to at that moment and throughout the day, each day, on our homeland security.

I yield the floor temporarily.

Mr. WARNER. Mr. President, I was going to ask the Senator a question.

Mr. HOLLINGS. Yes, sir.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, as our highly esteemed colleague knows full well, he occupies a position in this Chamber almost second to none by virtue of his long experience and as a chief executive officer of his State, a Governor. In listening very carefully to what he said, it occurs to me that there is merit in this amendment.

However, my question to our colleague, given the rather dramatic points he makes here, is: Should we not allow the current President the opportunity to communicate with the Senate his views on this? It seems to me

this council was established for the specific reason of being advisory to him. It is thought of as his means of establishing an infrastructure, as all Presidents have done, that best serves the method by which they wish to govern and discharge their responsibilities as President. My committee, Armed Services, the Foreign Relations Committee, the Committee on Governmental Affairs, and others that possibly have some oversight on this type of amendment, it seems to me, could quickly gather the views and, in all probability, we may end up with our colleague's amendment. But at least afford the courtesy to the President to share with the Congress—and most specifically the Senate—the views before they act on such a dramatic piece of legislation as this.

Mr. HOLLINGS. Of course, we have the President's views. He submitted a bill. In general, that particular view is before the Senate in the form of the House bill. While we have our own views—and that is our responsibility—this is not to preempt the President. In all fairness, when you see the distinguished chairman of Armed Services, he is who is disturbed. Talk about turf—not of the Senator from Virginia, but the Pentagon, the Department of State. Calls went out to the Department of State on this particular amendment. They don't want that FBI. They don't want the domestic intelligence. They don't want that Secretary of Homeland Security. They want their National Security Council to be solely engaged in foreign policy and foreign and international threats, not domestic.

So no siree, that would be a put off, as it would be for the Pentagon crowd. We worked very closely with the Army and Navy and their intelligence, and I have the greatest admiration for Secretary Rumsfeld. But they have to report in, too, to this domestic intelligence. That still has to be—the intelligence—fused with CIA foreign intelligence at the level of the National Security Council. There is no substitute for it.

If the President doesn't like it, he will say so to the House and it will be knocked out in conference. So don't worry about that. I am not worried about it. I want everybody to know here and now this bill does nothing to avoid and prevent another 9/11. All the agencies that, on 9/11, performed admirably—the Coast Guard was doing its job, FEMA was doing its job, and they got the agriculture people who were doing their job—they are the ones being included. Some 110,000 of the 170,000 people to be in this proposed department, with respect to seaport security, airline security, and rail security are already together in the Department of Transportation. We have been working on that. We have instituted an Office of Domestic Preparedness within the Justice Department. We have all of that going.

But the ones that failed are totally left out of the Department of Homeland Security—the ones that failed us on 9/11 go untouched. Please, my distinguished colleague, don't come up and say let's find out what he thinks and put this off. We know what he thinks. Vote for this amendment and send it to the House. If they knock it out, it will be dropped out.

For one, I go along with Senator THOMPSON. We don't need to confirm Dr. Rice at the National Security Council. Generally speaking, we don't have her name over on her budget. We talk about that on the Appropriations Committee level—if there is an Office of Homeland Security there. I go along with the Senator from Tennessee not to require that office be confirmed over here because, as President, I know good and well I would not depend on the legislative branch's intelligence. I can tell you that right now.

With any Department they would institute, I have a mammoth responsibility. The buck stops here, and I cannot explain another 9/11 by going along with this bill and saying the problem is solved. It is not solved at all. Don't delay me, Senator. You know and I know it will be taken out if the President opposes it.

Mr. WARNER. I thank my colleague.

The PRESIDING OFFICER. The time for the Senator of South Carolina has expired.

Mr. HOLLINGS. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Senator from Virginia be yielded 10 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank the Senator from Tennessee. I wish to commend the Senator from Connecticut, Mr. LIEBERMAN, and our very dear, soon-departing friend from Tennessee for their very important work on this bill, homeland security.

AMENDMENT NO. 4513

Mr. WARNER. Mr. President, I will now turn, I say to the Senator from South Carolina, my remarks to the question of the pending amendment by the Senator from Tennessee, and I thank my good friend for his reply to my question.

Mr. HOLLINGS. I thank the Senator.

Mr. WARNER. Mr. President, we were, as a body in recess—fortunately, the leadership decided this body should go into recess so we could watch the President of the United States deliver a speech which, in my judgment, is one of the most important speeches ever delivered before the United Nations.

He laid out with specific clarity the threats to the world posed by Saddam Hussein, the threats to the world of inaction at this time, and that those who say to him, there is concern this Nation is acting unilaterally—our President very clearly gave the United Nations a clear and respectful mandate to act now in the face of unrefuted facts that in 16 instances, Saddam Hussein has defied the United Nations and the Security Council. What better evidence?

He alluded to the fact that Saddam Hussein has provided evidence—clearly, it is there—of a highly increased tempo of activities toward the manufacture of weapons of mass destruction, weapons which in no way are needed for the rightful defense of the sovereign Nation of Iraq, weapons that could only be manufactured and devised for offensive actions against other nations.

This is not a war, which we are alluding to, between Iraq and the United States. This is a war of free nations—many free nations—free people, innocent people whose lives are at risk in the same way lives were risked on 9/11 a year ago in New York, in my State of Virginia, and in Pennsylvania. I commend the President.

It is interesting, against his speech is the background of another President, President Clinton, who on February 19, 1998, referring to his own perspective on terrorism, said, referring to the terrorists:

> They actually take advantage of the freer movement of people, information and ideas, and they will be all the more lethal if we allow them to build arsenals of nuclear, chemical, and biological weapons and the missiles to deliver them. We simply cannot allow this to happen. There is no more clear example of this threat than Saddam Hussein's Iraq. His regime threatens the safety of his people, the stability of the region, and the security of all the rest of us.

Our President built on that foundation in this historic speech that was delivered today. It is my fervent hope that the Congress of the United States, hopefully led by the Senate, will accede to the President's request made to a group of us from the House and Senate who were in his office just weeks ago, when he called on the Congress, to act with respect to this situation such that the executive branch, led by President Bush, and the Congress are arm in arm as we carry forward our war against terrorism and, most specifically, the threats posed by Iraq.

We are here on the issue of homeland defense, the issue of a new Department. We have had a good debate. We have our differences of view but, nevertheless, I see the momentum, I hope, in this body to move forward with this legislation.

I support the overall intent of this legislation. I strongly agree with the need to better organize our Government to protect our homeland, but I do not support all the provisions of this bill.

Two such provisions are addressed by the pending Thompson amendment, which I strongly support, which would strike titles II and III of the underlying legislation. These titles have been of concern to me for some time, and in a letter dated July 17 of this year, which I ask now unanimous consent to print in the RECORD at the conclusion of my remarks, I so expressed my concerns to the managers of this legislation.

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

(See Exhibit 1.)

Mr. WARNER. Mr. President, title II mandates the establishment of a National Office for Combating Terrorism, and title III mandates the development of a national strategy for combating terrorism and homeland security response. I note that the administration is strongly opposed to both of these titles.

The arguments against title II are not unlike the questions I posed to the distinguished Senator from South Carolina regarding his measure, which is also pending before the Senate. And that is, we should accord, as a legislative body, the Congress, the maximum flexibility to our President, be he Democrat or Republican, in establishing that structure he deems necessary in his Department to best serve his style of discharging the obligations of the Office of President.

Our President respectfully says to the Congress: I do not need what is proposed in title II.

Again, on October 8, 2001, following the tragic events of September 11, President Bush formed the Office of Homeland Security in the Executive Office of the President to oversee immediate homeland security concerns and to propose long-term solutions.

Governor Ridge has discharged with great distinction the responsibilities of that office. They worked hard under the President's guidance to produce a comprehensive plan that now deserves our serious consideration and support.

Again, the mandate to establish an Office for Combating Terrorism within the Executive Office of the President of the United States, in my judgment, would be redundant to the structure currently in place, particularly since the President has already stated his intention to retain the position of Assistant to the President for Homeland Security. I urge the Senate to respect the right of the President under the Constitution to establish his office, his infrastructure, which best serves his style of management.

Turning to a second concern, and that is budget review and certification authority provided for in this legislation to the proposed Director of the National Office for Combating Terrorism, in my view, such authority will undercut the ability of several Cabinet-level officials, most notably the Secretary of Defense, Secretary of State, Attorney General, and the Director of Central Intelligence, as well as the new Secretary of Homeland Security, assuming the Senate and the House act, to carry out their primary responsibilities.

In the case of the Department of Defense, the Secretary of Defense—and I have had the privilege in my 24 years in the Senate of working with a succession of those Secretaries—the Secretary of Defense has a wide-ranging responsibility to protect the vital U.S. interests and to protect against the threats that are ever mounting against our Nation.

The Department, under the leadership of Secretary Rumsfeld, is currently engaged in an all-out global war against terrorism designed to bring to justice those responsible for the September 11 attacks on our Nation and to deter would-be terrorists and those who harbor them from further attacks. The Secretary of Defense must ensure that the Department is adequately and properly funded to carry out its many missions.

Pending before the Congress is the largest increase in defense spending in many years, decades, but it is necessary. Our committee, the authorization committee, together with the Appropriations Committee, will soon bring their respective conference reports to this body for approval, and I anticipate rapid approval by both Houses of Congress.

It would be unwise to subject portions of the budget of these respective Cabinet officers to a veto in many respects.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THOMPSON. Would the Senator like additional time?

Mr. WARNER. I ask for an additional 2 minutes.

Mr. THOMPSON. I yield 2 additional minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I turn now to title III. The pending legislation requires the development of a national strategy for combating terrorism and homeland security response. I have been the author, with colleagues on the other side of the aisle, Senator Nunn, who was chairman of our Committee on Armed Services, and Chairman LEVIN, the current chairman, and urged that these various reports concerning the security of our United States be brought by the administration to the Congress in a timely manner so we can make our appropriate decisions on the budget.

Time and again, our committees have done that. It has been, generally speaking, a good response by successive administrations on this subject.

When the President established the Office of Homeland Security, he directed Governor Ridge to develop a comprehensive strategy to protect the United States from attack, which is right here. Therefore, I think it is again redundant for this specific section in title III to be enacted which more or less formalizes, again, the necessity for producing this report which the President has voluntarily done.

I see the distinguished Senator from Connecticut in the Chamber. I commend him for the hard work he has done, and I strongly urge that this body be given the opportunity soon to make its final deliberations and that this important legislation be adopted in whatever form is the will of the Senate.

I congratulate the Senator from Connecticut, as well as the Senator from Tennessee.

I yield the floor.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, July 17, 2002.

Hon. JOSEPH I. LIEBERMAN,
Chairman,
Hon. FRED THOMPSON,
Ranking Member,
Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR LIEBERMAN AND SENATOR THOMPSON: On July 15, I joined with Senator Levin in sending a letter to your Committee on the Bush Administration's proposal to create a Department of Homeland Security. That letter addressed issues in the Administration's proposal which fall under the jurisdiction of the Senate Armed Services Committee. Today, I am writing to express my concerns about certain aspects of S. 2452, the National Homeland Security and Combating Terrorism Act of 2002, which was reported out of the Government Affairs Committee on June 24, 2002. While I support the overall intent of the legislation and agree with the need to better organize our government to protect our homeland, much has changed since this bill was reported to the Senate.

In the intervening weeks, the President has proposed the establishment of a Department of Homeland Security and the most fundamental reorganization of the United States Government since the passage of the National Security Act of 1947. This proposal is the logical culmination of a very deliberate process that started when then-Governor George W. Bush established homeland security as his highest priority during a speech at the Citadel in September 1999, stating, ''Once a strategic afterthought, homeland defense has become an urgent duty.''

Following the tragic events of September 11, President Bush formed the Office of Homeland Security in the Executive Office of the White House to oversee immediate homeland security concerns and to propose long-term solutions. Governor Ridge and others have worked hard under the President's guidance to produce a comprehensive plan that now deserves our serious consideration and support.

While I support the establishment of a Department of Homeland Security, I do not support creating a National Office for Combating Terrorism as outlined in Title II of S. 2452. In my view, establishing this position within the Executive Office of the President would be redundant to the structure put in place by the President on October 8, 2001. The President has already stated his intention to retain the position of Assistant to the President for Homeland Security.

I have serious concerns about the budget review and certification authority provided to this proposed Director of the National Office for Combating Terrorism by S. 2452. In my view, such authorities would undercut the ability of several Cabinet-level officials, including the Secretary of Defense, the Secretary of State, the Attorney General and the Director of Central Intelligence, to carry out their primary responsibilities. In the case of the Department of Defense, the Secretary has wide-ranging responsibilities to protect vital U.S. interests and to prevent threats from reaching our shores. The Department, under the leadership of Secretary Rumsfeld, is currently engaged in an all-out global war against terrorism—designed to bring to justice those responsible for the September 11 attacks on our nation and to deter would-be terrorists and those who harbor them from further attacks. The Secretary of Defense must ensure that the Department is adequately and properly funded to carry out its many missions. It would be

unwise to subject the budget carefully prepared by the Secretary of Defense to a ''decertification''—in essence, a veto—by an official who does not have to balance the many competing needs of the Department of Defense and the men and women of the Armed Forces.

I also note that Title III of S. 2452 requires the development of a National Strategy for Combating Terrorism and the Homeland Security Response. When the President established the Office of Homeland Security, he directed Governor Ridge to develop a comprehensive strategy to protect the United States from terrorist attacks. President Bush unveiled his Homeland Security Strategy earlier this week, precluding the need for the requirement in Title III, S. 2452. Legislating anything other than a periodic review and update of this strategy would be burdensome and would divert attention and resources away from the Administration's focus on homeland defense and the global war on terrorism. As the President stated in releasing the Homeland Security Strategy on July 16, ''The U.S. Government has no more important mission than protecting the homeland from future terrorist attacks.'' We in the Congress should do all we can to help our President achieve this goal.

I hope my comments are useful as you continue your work on this important legislation.

With kind regards, I am

Sincerely,

JOHN WARNER,
Ranking Member.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I am proud of the work our Governmental Affairs Committee has done. It was a very open process. We included provisions recommended by members of both parties. I think it is a strong proposal. Obviously, there is some disagreement with the White House about parts of it, but I repeat what I have said before, that we are in agreement on: First, the basic necessity to better organize our homeland defenses, because this disorganization which exists now is dangerous. Second, there is broad bipartisan agreement on this bill we have reported out of our committee and the White House about what I have estimated to be 90 percent of the components of the bill. We are having a series of tussles about the remaining 10 percent. The sooner we resolve them, the better. The sooner we get this bill passed and on the way to a conference committee with the House and authorize the administration to set up this new Department, the safer the American people will be.

I appreciate the Senator's call for expedited action, and I hope and pray that others in the Senate heed that call.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I yield 10 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to speak in opposition to the idea for a National Office for Combating Terrorism, which would be a position confirmed by the Senate, because I believe the responsibilities which are enumerated in the bill can be handled by the Secretary for Homeland Security so that it is not necessary to have another position of Director for the National Office for Combating Terrorism.

As the responsibilities are set forth in section 201(c), first to develop national objectives and policies for combating terrorism, that is a core function for the Secretary of Homeland Security. Second, to directly review the development of a comprehensive national assessment of terrorist threats, again, I believe is something which can be handled by the Secretary of Homeland Security, which is a position to be confirmed.

Another responsibility enumerated in the statute is to coordinate the implementation of the strategy by agencies with responsibilities for combating terrorism, and there again it is my view that that can be handled by the Secretary of Homeland Security.

Another responsibility is to work with agencies, including the Environmental Protection Agency, to address vulnerabilities identified by the Director of Central Infrastructure Protection within the Department. Again, that is a matter which can be handled by the Secretary of Homeland Security.

Another responsibility is to coordinate, with the advice of the Secretary, the development of a comprehensive annual budget for the program and activities under the strategy, including the budgets of the military departments and agencies within the national foreign intelligence program related to international terrorism, but excluding military programs, projects, or activities relating to force protection.

I believe there is sound reason for having budget authority to coordinate overall the intelligence functions. However, again, I think to the extent we grant that overall budget authority, the logical place to put it is in the Secretary of Homeland Security.

As the other responsibilities are enumerated, to have the exercise, function, and authority for Federal terrorism prevention and response agencies, again, these are matters for the Secretary of Homeland Security.

The intent of the drafter of these provisions is correct in seeking to provide the coordination, but to have another officeholder confirmed by the Senate and in the West Wing is not advisable. The analogy to the National Security Council position now held by Dr. Condoleezza Rice, I think, is inapposite and does not apply to making the Director for the National Office of Combating Terrorism a confirmed position.

There is a real need on the overall coordination, to be sure we have all of the agencies responsible for intelligence and analysis under one umbrella, such as the CIA, the FBI, the Defense Intelligence Agency, the National Security Agency, and all of the intelligence agencies.

A point worth repeating is that had we put all of the dots together on matters known prior to September 11, 2001, there was a veritable blueprint and September 11 might well have been prevented. There was the Phoenix office of the FBI reporting on a man taking flight training, a big picture of Osama bin Laden on his wall, and other respective connections to al-Qaida. We had the two terrorists known by the CIA in Kuala Lumpur who turned out to be terrorist pilots of planes on 9/11. The information was not given to the FBI or the INS in a timely fashion. There was the threat given to the National Security Agency on September 10, 2001, which was not transcribed, that something was going to happen the next day. It was not interpreted until September 12, after the events of 9/11 had occurred.

Perhaps most importantly, there was the effort to obtain a warrant under the Foreign Intelligence Surveillance Act as to Zacarias Moussaoui, and had that warrant been obtained, there was an actual treasure trove of information linking Moussaoui to al-Qaida.

The FBI used the wrong standard, as disclosed in the testimony of Special Agent Coleen Rowley, who appeared with FBI Director Mueller on June 6 at an oversight hearing by the Judiciary Committee. In Agent Rowley's letter, she talked about the U.S. attorney in Minnesota requiring 75 to 80 percent probabilities. Agent Rowley thought that was wrong. She thought the standard should be a preponderance of the evidence, more likely than not—51 percent, as she put it. However, she was wrong as well because the standard is articulated in the case captioned Gates v. Illinois, an opinion written by then-Justice Rehnquist, saying the standard was suspicion, and Justice Rehnquist went back to the Krantz case with Chief Justice Marshall talking about suspicion on the totality of the factors. However, there was ample evidence to obtain a Foreign Intelligence Surveillance Act warrant for Zacarias Moussaoui.

It would have been thought that the FBI would have had its house in order after their experience on Wen Ho Lee, when at the highest levels of the Justice Department, the matter rightfully went to the Attorney General at that time and they declined to issue a vice warrant and later determined, even by the review of the Justice Department, there was probable cause. That matter was subjected to very intense oversight by the Judiciary Committee at that time.

We have pursued the oversight on Zacarias Moussaoui. We found in closed hearings—this much can be disclosed—the FBI agents are still not applying the correct standard. I wrote to FBI Director Mueller on July 10, 2002. We had the hearings on July 9. I asked when they would apply the right standard. Earlier this week on Tuesday there was another oversight hearing by the full Judiciary Committee, this time publicly, and the Department of Justice representative acknowledged

the wrong standard had been applied, but says they have corrected it with examples. We are waiting to see the specifics.

The impact of this is that there ought to be one umbrella under which the analysis of all of the intelligence agencies occurs. The amendment which has been offered here, the provision of section 201, which the pending amendment seeks to strike, has a laudable purpose. It is seeking that kind of coordination, but it simply does not require a director for a national office of combating terrorism, which would be a confirmed position.

The language in the bill needs to be specified so the burden is on those who oppose the coordination to come forward. I wrote to Governor Ridge on August 1 referring to a meeting which had been held the previous day. I think it appropriate to quote briefly from this letter. I was very pleased to hear the President's affirmative response yesterday to the proposal to have analysis from every intelligence agency—CIA, FBI, DIA, et cetera—under the umbrella of the Department of Homeland Security with the Secretary having the authority to direct those intelligence agencies to supply his Department with the requisite intelligence data.

The key language of the responsibilities which I believe should be in the bill, and I intend to offer an amendment if we cannot get this worked out by agreement is that the Directorate of Intelligence within the Department of Homeland Security shall be responsible for the following:

(1) On behalf of the secretary, subject to disapproval by the President, directing the agencies described under subsection (a)(1)(B) to provide intelligence information, analyses of intelligence information and such other intelligence-related information as the Directorate of Intelligence deems necessary.

The thrust of this language would give the Secretary the authority to command all the analyses unless the President disapproves. However, the language to have the President direct the Secretary to have this oversight responsibility is unworkable because you cannot take it to the President to ask for his authority on each occasion. However, if there is strong reason to disallow the Secretary's authority in a specific case, then it is subject to disapproval of the President. I do not think that is necessary, but in order to avoid any controversy, the language ought to be included in the statute.

Although I have already put this letter in the RECORD before, I think it is worth including at this stage of the debate, so I ask unanimous consent that the letter be printed in the CONGRESSIONAL RECORD.

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

U.S. SENATE,
Washington, DC, August 1, 2002.

Hon. TOM RIDGE,
Director of Homeland Security,
Washington, DC.

DEAR TOM: I was very pleased to hear the President's affirmative response yesterday to the proposal to have analysts from every intelligence agency (CIA, FBI, DIA, etc.) under the umbrella of the Department of Homeland Security with the Secretary having the authority to direct those intelligence agencies to supply his Department with the requisite intelligence data.

As I said in the meeting in the Cabinet Room yesterday, I think that had all of the intelligence information known prior to September 11th been under one umbrella, the terrorist attacks of September 11th might have been prevented.

Senator Thompson, as I understand him, did not disagree with that ultimate approach except to express the view that he thought that changes in the structure of the intelligence community should await further studies. My own strongly held view is that we have a unique opportunity to make the changes in the intelligence community now because of the imminent terrorist threats; and, if we don't act now, we will be back to business as usual.

As you and I discussed in our meeting of July 29, 2002, there have been many proposals to place the intelligence agencies under one umbrella, including legislation which I introduced in 1996 when I chaired the Intelligence Committee, and the current proposals which have been made by General Scowcroft.

I suggest that Section 132(b) of the bill reported by the Governmental Affairs Committee be modified by adding at the beginning a new paragraph (1) to read as follows:

(b) RESPONSIBILITIES.—The Directorate of Intelligence shall be responsible for the following:

(1) On behalf of the Secretary, subject to disapproval by the President, directing the agencies described under subsection (a)(1)(B) to provide intelligence information, analyses of intelligence information and such other intelligence-related information as the Directorate of Intelligence deems necessary.

I am sending copies of this letter to Senator Lieberman and Senator Thompson so that we may all discuss these issues further.

My best.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I thank my colleague from Pennsylvania for his remarks and his support of the Thompson amendment. I thank the Senator from Virginia for the same. I think both of these Senators, without dispute, would be recognized as people who have been students and have been leaders in the areas we are dealing with today. I think their support on this important amendment is crucial.

I was particularly taken with the comments of Senator WARNER as he related his thoughts listening to the President a little while ago before the United Nations. I had the same thoughts. The President made a magnificent speech. In part, it was a legal brief, where he outlined ad seratim the various instances where Saddam Hussein had rejected the sanctions that had been placed on him by the United Nations, rejected the resolutions that had been passed by the Security Council time and time and time again, rejected inspectors, rejected sanctions, basically rendering what the United Nations and the international community as a whole and specifically the Security Council, what they had done, rendering it a nullity.

I thought it was a very effective walk through history. There was no secret information disclosed. It was a rendition of what we all should have known. The people who were listening to him today were taken on that walk down memory lane of all the things that have happened since 1990 and the attempts that the United Nations have made, the attempts the Security Council have made, all thwarted by this one country, as he continued to oppress his own people, as he continued to either attack or plan attacks for others, as he continued to develop his weapons of mass destruction, as he finally acknowledged, yes, he did have chemical and biological weapons after lying about it for all those years and our inspectors telling us he had a virtual Manhattan nuclear project the last time we went in there. And now he has closed us out and we are wringing our hands over what we know and what we do not know.

That is our position. Internationally, the entire world is, because he has put us in that position, once again, and deprived us of any knowledge of exactly what he is doing, although we know he has the intelligence, he has the scientists, he has the infrastructure, the capability, the know-how, the desire, everything, except possibly enriched uranium with which to make a nuclear weapon. Unfortunately, there is a lot of that in the world. We do not know whether he has it.

Part of it was an effective legal brief. Part of it was inspirational. It was an appeal to the United Nations for it not to become irrelevant in terms of world peace. If the U.N. and the Security Council allow a country such as this, a regime such as this, to thwart the very purpose of the creation of the United Nations, then what authority, what standing, what moral suasion is it going to have in the future when the next tinhorn dictator comes along and hunkers down and takes a little bombing and goes on with his suppression of people and killing of innocents and using weapons of mass destruction on his own people as he prepares for the next attack. I thought it was very effective.

And what is the relationship between Saddam Hussein and terrorism? The President pointed out one of the most dangerous circumstances we can contemplate is having a regime such as his with the ability to transfer his capabilities over to terrorists.

We know he has a long history of relationships with various terrorist organizations, including some with al-Qaida. Are we to assume he would not ever use as a surrogate someone to do his dirty work? It is extremely relevant to the battle on terrorism. I think those who urge that we totally clean up the battle on terrorism over here, because it is a distinct problem, before we address the situation in Iraq are missing that point.

Which brings us to the bill we are considering today. It is very relevant. It is a homeland security bill. This is where all the chickens come home to roost in regard to our Nation's security.

What concerns me about this bill is that in more than one instance there is an attempt to diminish the President's authority. This bill would not give the President authority that other Presidents have had. Most all of the Members serving here today served under President Clinton. It would take away authority President Clinton had with regard to national security. This bill would lessen—give less authority, in terms of the management of this monolithic new Department we are about to create, than the head of the FAA has to manage the FAA.

With regard to the subject matter that is addressed by the Thompson amendment, we would not give the President the right to have his own adviser inside the White House as he deals with all these issues. That concerns me. I do not think that is going in the right direction.

We are not going to do anything in this Congress to diminish Congress's traditional role. Senator BYRD and Senator STEVENS have made it clear that they are not going to stand back and let the traditional appropriations authority of the Congress be set aside. Senator LIEBERMAN has made that clear. The bill reflects that position. I am sure we will be able to work out something along those lines that does not diminish our authority in any way. We have the power of the purse. We have the power of the purse.

This bill creates many positions, including the new Secretary, that will be Senate confirmed. He will have to come before this body. So we are not diminishing the authority of the Congress. What we are doing is establishing a brandnew, important Department that we are going to have to approach in a bit of a different way than we have approached other Departments at other times because we have not been very successful with other Departments at other times. This Government is rife with Departments and governmental agencies that have waste and fraud and abuse, sending out checks for billions of dollars to people who are not even alive; losing large pieces of equipment, at least on the books, such as ships and things of that nature; having the GAO come before us year after year after year, saying these agencies are not doing any better. They cannot pass an audit. Government as a whole cannot pass an audit. We do not know what assets and liabilities we have. We cannot keep up with them. It is a mess.

We are pulling 22 of these agencies into a new Department. We cannot approach it the same old way. We have to have a 21st century paradigm in order to address a 21st century problem.

Most of the rules we are operating under now were created in the 1950s when we had a paperwork Government. People came into Government at this position, worked for 20 years, and were promoted in lockstep in these 15 steps, with 10 steps within each of the 15, totally unable to address modern-day problems.

As the GAO tells us we cannot handle the information technology challenge that faces our Government, private industry has been able to. We have been trying to incorporate information technology capability in the IRS for years. We have spent billions of dollars and still the computers will not talk to each other—and they are not the only ones. We have human capital problems. We have financial management problems—year after year.

So that is all the background for considering an amendment such as this, which addresses the bill where it creates a new Office of Combating Terrorism.

We are suggesting the President ought to have a little flexibility, a little traditional flexibility to have, in the White House—not over at the new Department but in the White House—a person he chooses to coordinate not only what is going on in the new Department but the important national security, or homeland security, entities that are not in the new Department. Coordination is needed.

We have that coordinated. The President established an Office of Homeland Security. The President established an Office of Combating Terrorism within the NSC. Those are already there. You say we need them Senate confirmed. NSC is not Senate confirmed. We have a Senate-confirmed position we are creating in the new Secretary of the Department of Homeland Security.

This bill, as it is drafted now, mandates the development of a national strategy. We have a national strategy. We have had it since July. I don't know whether the idea is to set the old one aside and come up with a new one or submit the one the President has already put out again. This was a good idea back several months ago. Time has passed it by.

The suggestion is made that this new person inside the White House, confirmed by the Senate over the President's objection, would have budgetary authority that would allow this new person to decertify the homeland security budget. The budget goes to him before it even goes to OMB. What kind of situation is that going to be? What if you were asked to take on the job of new Secretary of Homeland Security knowing that your budget was going to go to some guy over in the White House and he had to be satisfied before it even got to you? How would you like it over at the OMB, when we are going into a period of deficit, when people, apparently in this Congress, still think we can have guns and butter indefinitely, we don't have any problem spending helter-skelter, left and right?

He has to balance all that. And he has a guy over in the White House who has only one priority, homeland security. And as important as it is, it is not the only priority this Government has. But he has veto power over the Government.

There never has been a circumstance like this in the history of Government. There never has been a big Department, like the Department of Homeland Security, and what we are creating, with authority and responsibility and jurisdiction over the issue at hand, homeland security in this case, and a White House-confirmed position with decertification budget authority all at the same time.

I think it would absolutely be havoc for any administration, Democrat or Republican. I think it would lessen accountability, not increase accountability. Goodness knows, we need increased accountability.

The President has said he is going to keep Governor Ridge. I don't know whether the idea is we will give this new fellow an office down at the other end of the hall or that the President is not being square with us, that he will really get rid of Ridge or that he will give Ridge this job. I don't know what the idea is. The President said he is going to keep up the office. He is entitled to have his own counsel, as Presidents traditionally have.

So I urge we not do that. I urge we maintain the status quo there; that we not take another step to restrict the President, to restrict either his national security authority that Presidents traditionally have, restrict the new Secretary's authority to manage the Department, in the new age and time and challenge that we face, and we not restrict the President within his own office in terms of whom he wants to bring in and have confidential conversations with, who cannot be called up to the Hill at any time.

I said early on in this discussion before these bills were presented that ultimately it was clear Congress was going to have somebody's leg to chew on. Congress needed to have somebody who is accountable to come up here and testify. I didn't particularly welcome this back and forth as to who was going to talk and what office they would talk in and what other office they would not talk in. I don't think that would do any of us any good. I knew that ultimately somebody was going to have to come up here and be a spokesman and be accountable. We now have that. That is the new Secretary. That is the new Department of Homeland Security.

We don't need it with regard to the position in the White House. The President said he doesn't want it. I believe on these close questions, if indeed my colleagues believe it is a close question, that we ought to give the President the benefit of the doubt. He is now, without boast, the leader of the free world. As we are facing the challenge of terrorism and the challenge that is presented by Saddam Hussein, as evidenced by his speech today, the

ears of the entire world were trained upon him. That is not anything to do with him personally. That is the position of the President of the United States.

In times such as these, if you can compare any other time with this—especially in times of war, especially in times of issues of war and peace—whoever is President of the United States is the leader of the free world and is the leader in espousing those values that we hold dear, knowing as the entire world does that we are going to be on the front lines of any enforcement action the world deems necessary for the cause of freedom and democracy.

That is not a hokie sentiment. That is not Democrat-Republican. That is just reality.

I hope as we consider these issues that my colleagues will give on balance the call for a bit of flexibility, at least as much as we have given prior Presidents, and at least as much as we have given heads of these other agencies when facing challenges that are much less than what we are facing today.

I urge my colleagues to vote for the Thompson amendment.

I yield the floor.

Mr. CAMPBELL. Mr. President, I stand in strong support of the Craig-Domenici amendment to improve the tragic health of our Nation's forests. Years of complete fire suppression has resulted in unnaturally dense forests. In many places out West where nature would have 50 trees per acre, there are 500 trees per acre, this tremendous build-up in hazardous fuels significantly increases fire danger and makes trees more prone to insect infestations.

The facts are clear: Unnaturally dense forests result in unnaturally hot burning and fast moving fires. The Forest Service and other land management agencies have known the facts for years but have been hamstrung, in large part due to shifting political winds.

And here is the dilemma: interest groups and agencies argue about what needs to be done while forests go up in flames, endangered species are destroyed, and human life and property are jeopardized.

The amendment that we are proposing does not point the finger at any one group or agency. Rather, this amendment moves beyond the politics and focuses on results consistent with plans developed by the Western Governors' own ''10-Year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment.''

Where the agencies are unable to proceed with hazardous fuels reduction, this amendment directs the Secretaries of Agriculture and Interior to expedite responsible forest management projects in a balanced way and is very similar to language previously passed by this body to allow for fuel reduction in certain other western States.

This amendment looks at the facts. In this year alone, 62,924 fires have scorched more than 6.3 million acres of land across this Nation. But what about people, how has wildfire affected our communities?

Since April of this year in my State of Colorado, 12 communities, 141 subdivisions totaling 81,068 people have been evacuated because of wildfire. When those Coloradans returned after being evacuated, they found 384 homes burned to the ground and 624 other structures destroyed.

Although property damage and widespread dislocation are devastating on communities, the wildfire season of 2002 has proved even more tragic. Wildfires have claimed the lives of 10 firefighters in Colorado, and 21 in the nation. Returning to a pile of ash instead of your home is one thing, coming home without a father or sister is another altogether.

Without responsible hazardous fuel reduction, this year's fire situation is bound to repeat itself and I cannot allow this to happen. This year's fires came close enough to my own front porch at one point, that it was difficult for my wife and me to breathe. Given the drought conditions that the West is enduring, the situation on the 181 million acres that are currently classified as a Class 3 fire risk is not going to get any better.

I urge my colleagues to support this amendment to reduce the threat unhealthy forests pose nationwide.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, yesterday, being obviously the first anniversary of the horrific attacks against us on September 11 of last year, we commemorated with very moving—and I thought unifying—purpose at events here in the Capitol in Washington, at the Pentagon, in New York, and Pennsylvania—and really throughout America and so many places. Our attention was riveted again on what happened to us and how urgent it is to act to prevent that horror from ever happening again.

I will state again what I have said on the floor before. I am not one who believes that another September 11 type of attack against America is inevitable. It is not inevitable if we are aggressive in searching out and destroying the remaining al-Qaida terrorists, if we are wise and strong in marshaling the unique capabilities we have in America to better organize our homeland defenses. Of course, that is what this bill is about.

I think the President's statement today at the United Nations is further testimony and further draws our attention to the urgency of the challenges we face.

I want to say parenthetically that I thought the speech the President gave at the United Nations today was a powerful and convincing indictment of Saddam Hussein and the grave threat he poses—not just to the United States and to his neighbors in a most critical region of the world, but to the legitimacy and the authority of the United Nations in the world community, a United Nations which Saddam has outrageously and consistently defied and deceived for more than a decade.

I fully support the President's call to action by the United Nations. I hope the nations of the world will take a look at the record. I think my friend from Tennessee said it was in some sense a lawyerly statement. It really was an indictment of the 16 resolutions of the United Nations that Saddam Hussein has ignored, and he has defied and thumbed his nose at every one of them. How can the United Nations be the institution we want it to be—bringing peace and resolving conflicts—if one rogue leader of one nation treats its orders and resolutions with such disrespect?

This is a moment of decision for the members of the United Nations. I hope they rise to the challenge that President Bush has quite correctly put before them today.

This does bring us back to where we are on this amendment and Senator THOMPSON's motion to strike titles 2 and 3 of this amendment which is before the Senate and which was reported out of the Governmental Affairs Committee. These were authored largely by Senator GRAHAM of Florida, who has spoken on them. They are part of an attempt in this bill to deal not just with homeland security, but to deal with the problem of terrorism that the President spoke about so eloquently and convincingly today at the United Nations.

Homeland security is just one part of the battle against terrorism. We obviously have other parts that are critically important as well—certainly the Defense Department, certainly our intelligence community, the State Department, the Treasury, and various foreign aid and public diplomacy programs, and law enforcement agencies, a lot of which will not in any sense come under the purview of this new Department of Homeland Security.

That is why it was the wisdom of the committee—I believe it was certainly the judgment of the committee—that in addition to creating the Department of Homeland Security, we would guarantee the kind of aggressive antiterrorism effort that the country needs now and in the years ahead by creating in the White House an office to combat terrorism, to coordinate not just the Homeland Security Department but the other agencies of our Government that are involved in the fight against terrorism.

It is my understanding that many have spoken in support of Senator THOMPSON's amendment to strike these sections. Perhaps some at the White House agree that there will be an office in the White House, but they object to the confirmation requirement in our proposal that the director of that office be confirmed by the Senate. And there was also objection to the budget certification authority that we give the director of the office.

Senator GRAHAM is a practical and realistic man on matters of this kind. We know there is concern in the Senate about the requirement of confirmation of the director of this office and the budget certification authority. We are consulting with our colleagues to see if they will support a proposal that would modify these titles by simply removing the Senate's authority to confirm and the budget authority given to the director and leave an office of counterterrorism. This office would be appointed by the President without confirmation by the Senate, but with a guarantee that the broader counterterrorism war that we will be fighting for years will have in the White House, close to the President, an adviser for whom that is his or her only responsibility.

We think this proposal is a way that Congress, respecting the President and his authority—this President and Presidents to follow—can guarantee as much as we can by the law that is in a quieter time further from the pain and shock of September 11, 2001; that America will not fall into a slumber and allow itself to be vulnerable once again as we were a year ago yesterday to terrorism's awful sword.

I report that to my colleagues. I hope members of both parties and our friends at the White House will consider that as a good-faith possibility and see whether we can build a consensus to go forward on it.

I thank the Chair. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the time consumed by the quorum calls be taken equally from both sides on the time remaining.

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

Mr. LIEBERMAN. I thank the Chair and, again, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I also yield myself 10 minutes on the side of Senator LIEBERMAN in opposition to the Thompson amendment.

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

Mr. DURBIN. Mr. President, President Bush could not have made a better choice for Director of the White House Office on Homeland Security than Gov. Tom Ridge. We served together in the House of Representatives. We are personal friends. And I hold him in the highest regard. He is clearly the right person for this extremely difficult task and assignment and has done a great job under trying circumstances and in a very brief period of time.

However, I believe we must keep title II in the bill, which establishes a National Office for Combating Terrorism in the White House, with a Presidentially appointed, Senate-confirmed Director, not as any rebuke to the President or Governor Ridge, but to give Governor Ridge the tools he needs to be even more effective.

I cosponsored Senator GRAHAM's bill, S. 1449, to establish this office and supported its inclusion in Senator LIEBERMAN's original bill to establish a Department of Homeland Security, which I also cosponsored.

I refer my colleagues to testimony given by Retired General Barry McCaffrey, before the Governmental Affairs Committee, on October 12 of last year. He spoke about organizing our Government to protect America. Here is what he said:

> Our government does best when it establishes institutions for the long haul that are based on rationality, not personality. . . . The terms of this office—how its leadership is appointed, where its monies come from, what powers it wields, who it is accountable to—must have the permanence of law. . . . Any Cabinet member, current or former, will tell you how important it is to have the Commander-in-Chief in your corner. However, when push comes to shove, it is even more important to have the law on your side.

General McCaffrey's experience as our antidrug czar at the Office of National Drug Control Policy brought him to his strong conclusion that the White House Office on Homeland Security must have its own budget and the position must be confirmed by the Senate. Without those ingredients, the Director would have neither the clout to fight Washington's bureaucracy nor the accountability before Congress to do his job effectively.

General McCaffrey's testimony was borne out by our experience here in Congress when numerous committees asked Governor Ridge to testify about homeland security. He was unable to because he said: I am a staffer of the President. I am not appointed by the Senate.

Governor Ridge was finally allowed to testify by the White House but only after the President decided he wanted to create this new Department.

Title III, which the Thompson amendment would strike, gives the job of developing a national strategy to combat terrorism and a comprehensive antiterrorism budget to the National Office for Combating Terrorism.

Having clout in the budget process is essential. President Bush says Cabinet Secretaries know that Governor Ridge has his trust and must put aside turf wars. But what we are setting up here are institutional structures.

Government officials come and go. Not all will have the close personal relationship that Governor Ridge enjoys with President Bush. The President certainly has the right to structure his staff and his advisors as he pleases, but we have the responsibility in Congress to pass legislation to establish structures of Government which will endure.

Let me say this as a parenthetical observation: One of the things I added to this bill—and in which I have particular pride—is an effort to try to establish some sort of architecture for computers and information technology in this new Department. I could go on for some time about the dismal state of computers at the premier law enforcement agency of the United States, the Federal Bureau of Investigation. It is a fact, if you look at the various agencies we will count on to protect America, that in terms of computer capability, it is almost as if you were traveling across the world and you picked countries that were computer illiterate and asked them to communicate with those that were the most sophisticated. That is what we have in the Federal Government.

What I tried to do with this bill is to establish a standard for coordinating computer architecture, a Manhattan project. I put it in the Office of Management and Budget, frankly, because I couldn't assign it to a higher level and get it passed by committee. That is sad. But it is a fact. What I believe we are trying to establish in this bill is to make sure that within the White House there will be someone always close to the President who is willing to rip through the bureaucracy and to establish the standards and procedures to make sure that America is safe. Unless you have someone at that high level close enough to the President to get it done, someone who is going to deal with it, you will run into a problem. Saying in this situation that we are going to have in a Department of Homeland Security someone who is going to be subjected to Senate confirmation, separate budget authority, is to give them enhanced authority as well.

Departments and agencies with major responsibilities for homeland security, including the Department of Defense, State, and Treasury, the FBI, the entire intelligence community, among many others, are properly not included in the new Department. There will be a critical job to do to develop a national strategy for computers, for information technology and beyond, and coordinate this strategy so that the agencies of this new Department can effectively combat the threat of terrorism against the United States.

I hope my colleagues in the Senate will support the language put in this bill by Senator LIEBERMAN after deliberation in committee and oppose the Thompson amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. 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. GRAHAM. Mr. President, I speak in opposition to the amendment, which would strike titles II and III from this legislation.

These two titles together will provide, within the community concerned about securing the homeland, the direction and capacity to develop a comprehensive strategic plan of how to accomplish that very difficult objective, and then to place within the White House an officer who is responsible for the specific function of combating terrorism. The subfunctions of that office will be to coordinate the variety of agencies that will have some responsibility for implementing the strategic plan.

Some have thought that no office such as this is necessary because we are about to bring a whole Department of Homeland Security. We have a Department of Defense, but we also have within the White House a national security adviser whose job is to coordinate national security issues. The reason is because, as broad as the Defense Department is, it does not contain all of the activities of the Federal Government that relate to national security. It does not include the State Department, which has our diplomatic and foreign relations function. It does not include the Department of Treasury, which has some important national security responsibilities as it relates to economic issues. It does not include the Department of Energy, where most of our nuclear development responsibility is placed.

So we have an agency in the White House to bring all those Departments that have some national security function behind a common strategy. This is exactly the purpose of this office within the White House, and that would be deleted if this amendment were to be adopted. There will be no entity that has statutory status that will be responsible, or capable, of trying to bring all of these agencies together. That is the most fundamental reason.

But there is another reason why I think this office is very important. In my judgment, the threats the United States will be facing in our homeland and abroad are likely to escalate over the next period of time. No. 2, it is exactly during this period of time that this new Department of Homeland Security is going to be trying to integrate almost two dozen agencies that have had their homes elsewhere—in some cases, for a century or more.

It is at this very time that there is likely—I suggest not likely, but there almost certainly will be considerable resistance to achieving the cohesion that is going to be necessary to accomplish this objective. I suggest that it will not be long before we have a debate on the floor about why did a certain misstep occur or why was a gap allowed to go unfilled, as we try to put together a structure to protect our homeland.

I suggest that an answer to those questions is going to be that there was so much support for the status quo and resistance to the sort of change that could not be overcome sufficiently and in time to avoid an unnecessary vulnerability. That is my prediction. I don't believe there is any suggestion that will give absolute certainty that my prediction will prove to be false. But I believe that having this office within the White House, where there is somebody who wakes up every morning thinking about fighting terrorism, and who is in an office within walking distance of the President of the United States, will give us a greater opportunity to achieve the speedy, expeditious, and effective coordination activities that will be necessary to protect our homeland.

This office has some considerable powers. For instance, it has the power to certify budgets. Why does it have that power? Because I can tell you that there is going to be a tendency of an agency that has been doing a set of functions for a long time, and now they suddenly have a homeland security function, and when that new function is battling inside the agency with all of those that have had a long history and a constituency and a political support base, any new function is not likely to do very well. We learned that lesson in the war against drugs. The very fact that Congress made this a priority didn't result in it being a priority in the agencies that had their operational responsibility. I suggest the same thing is likely to occur here.

Unless you have somebody to tell that agency that unless you put an additional $15 million into carrying out your part of the strategic plan of homeland security, we are going to decertify that part of your budget—that is the kind of clout it is going to take—if we don't feel that this issue is worthy of giving this office that kind of responsibility, then I am afraid we are going to be coconspirators in a plot which is going to have a bad conclusion.

So I urge that if, as I anticipate, there will be a motion to table the Thompson amendment, that motion be supported so we can retain this important position within the White House, recognizing that its ultimate power is going to come from the President himself, but it will give the President, who wants to have the most effective homeland security, an agency that we in Congress have established and, therefore, have invested our confidence in, which he appoints, and which will have the capability to give us the best hope that we can accomplish our objective of defending the homeland against terror.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, very briefly, I thank the Senator from Florida, Mr. GRAHAM, for his hard work on this part of our bill. It is work that really goes back to last fall. I think he is absolutely right. I appreciate his accommodation to the fact that there may be Members of the Senate who support the basic idea of an office in the White House to coordinate our antiterrorism efforts in various agencies but are concerned about the power the current language gives the Senate to confirm the nominee to that position. Therefore, we will offer a motion to table at the time the vote on Senator THOMPSON's motion to strike comes up, with the intention of offering a second-degree amendment to give Members the opportunity to vote on the concept of an office of counterterrorism in the White House, to coordinate our antiterrorism efforts, without the necessity for Senate confirmation, which the President, we know, opposes.

I yield the floor.

Mr. THOMPSON. Mr. President, I am prepared to yield back the remainder of our time. It is imperative that we have a vote in 2 minutes. The Senator from Utah wanted a moment. From looking at the clock, we have 2 minutes until 2 o'clock; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. THOMPSON. How much time does each side have remaining?

The PRESIDING OFFICER. The Senator from Tennessee has 12 ½ minutes. The Senator from Connecticut has 28 seconds.

Mr. THOMPSON. The Senator from Connecticut has how much?

The PRESIDING OFFICER. He has 28 seconds.

The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I strongly support Senator THOMPSON's amendment to strike the portions of Senator LIEBERMAN's substitute amendment that would create a National Office for Combating Terrorism in the White House. Senator LIEBERMAN's substitute would create this Office in the White House in addition to creating the Department of Homeland Security. I initially question the wisdom of creating two separate offices with identical goals and overlapping jurisdiction, when the entire point of creating a single Department of Homeland Security is to oversee and coordinate the efforts of many different agencies in this immensely important area. But I have another, more pressing concern: encouraging good decision-making.

Senator LIEBERMAN's bill would make the heads of both the National Office for Combating Terrorism and the Secretary of Homeland Security subject to confirmation by the Senate and congressional oversight hearings. So far as the office in the White House is concerned, I disagree with such an

invasive approach. We need to be mindful of the important role that confidential communications play in the deliberative process for all important decisions—including the decisions that we as lawmakers make after careful and candid discussions with our staff. Just as we would be wary of those who would seek to intrude into these communications, so too should we be reluctant to interfere with the President's deliberative process and the frank communications he has with his advisers in the White House on critically sensitive issues such as our nation's security. Of course, I have no objection that the head of the new Department of Homeland Security be Senate-confirmed, but it simply does not follow that such an approach should be extended to the President's own advisor on these issues.

As responsible lawmakers, we must recognize that we simply do not have the same license to specify the duties of the President's senior advisers in the White House as we do to specify the duties of agency officers and staff members who exercise legislative duties. We should take our cue in this area from the National Security Act of 1947, which established the National Security Council. As we all know, the President may appoint very senior advisors to the NSC—like Dr. Condoleezza Rice—who are not subject to confirmation by the Senate. That fact certainly does not detract from Dr. Rice's stature, but in fact enhances it. Anyone who deals with Dr. Rice knows that she has the backing of the President—precisely because she has his confidence and is beholden to no one else.

There certainly must be an advisor within the White House who advises the President on matters that pertain directly to our homeland security, as the President has recognized. But there is absolutely no reason why that office should be made—and micro-managed—by Congress. Why does both the head of the Department of Homeland Security and the President's Homeland Security Advisor need to be confirmed by the Senate? There is no doubt that Homeland Security is of paramount importance, but so is national security in general. And does this mean we are going to require that Dr. Rice be Senate confirmed? How about Karl Rove and Andy Card? A step in this direction is simply misguided and unwise.

I yield the floor.

Mr. THOMPSON. Mr. President, I am prepared to yield back our time if the Senator is.

Mr. LIEBERMAN. I am. I yield back our time as well.

The PRESIDING OFFICER. All time is yielded back.

Mr. LIEBERMAN. Mr. President, I move to table the Thompson amendment before the Senate. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SHELBY) and the Senator from New Hampshire (Mr. SMITH) are necessarily absent.

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

The result was announced—yeas 41, nays 55, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—41

Baucus	Durbin	Lieberman
Biden	Edwards	Lincoln
Bingaman	Feingold	Mikulski
Boxer	Feinstein	Murray
Byrd	Graham	Nelson (FL)
Carnahan	Hollings	Reed
Carper	Inouye	Reid
Cleland	Johnson	Rockefeller
Conrad	Kennedy	Sarbanes
Corzine	Kerry	Schumer
Daschle	Kohl	Stabenow
Dayton	Landrieu	Wellstone
Dodd	Leahy	Wyden
Dorgan	Levin	

NAYS—55

Allard	Ensign	McConnell
Allen	Enzi	Miller
Bayh	Fitzgerald	Murkowski
Bennett	Frist	Nelson (NE)
Bond	Gramm	Nickles
Breaux	Grassley	Roberts
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Harkin	Smith (OR)
Campbell	Hatch	Snowe
Cantwell	Helms	Specter
Chafee	Hutchinson	Stevens
Clinton	Hutchison	Thomas
Cochran	Inhofe	Thompson
Collins	Jeffords	Thurmond
Craig	Kyl	Voinovich
Crapo	Lott	Warner
DeWine	Lugar	
Domenici	McCain	

NOT VOTING—4

Akaka	Smith (NH)
Shelby	Torricelli

The motion was rejected.

Mr. LOTT. Madam President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4533

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4533. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. SMITH) is necessarily absent.

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

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—48

Baucus	Dodd	Leahy
Bayh	Dorgan	Levin
Biden	Durbin	Lieberman
Bingaman	Edwards	Lincoln
Boxer	Feingold	Mikulski
Breaux	Feinstein	Murray
Campbell	Graham	Nelson (FL)
Cantwell	Harkin	Nelson (NE)
Carnahan	Hollings	Reed
Carper	Inouye	Reid
Cleland	Jeffords	Rockefeller
Clinton	Johnson	Sarbanes
Conrad	Kennedy	Schumer
Corzine	Kerry	Stabenow
Daschle	Kohl	Wellstone
Dayton	Landrieu	Wyden

NAYS—49

Allard	Fitzgerald	Murkowski
Allen	Frist	Nickles
Bennett	Gramm	Roberts
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (OR)
Byrd	Helms	Snowe
Chafee	Hutchinson	Specter
Cochran	Hutchison	Stevens
Collins	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	McCain	Warner
Ensign	McConnell	
Enzi	Miller	

NOT VOTING—3

Akaka	Smith (NH)	Torricelli

The amendment (No. 4533) was rejected.

Mr. THOMPSON. I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

ORDER OF PROCEDURE

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the Senate go into morning business for up to 10 minutes, allocated to the Senator from Vermont for the purpose of introducing legislation, and that when the Senator is done, I be recognized for the purpose of offering an amendment to the pending matter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Vermont.

(The remarks of Mr. JEFFORDS and Mrs. CLINTON pertaining to the introduction of S. 2928 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Senator from North Carolina be recognized to speak for up to 10 minutes in morning business, and that immediately after his remarks, the Senator from Connecticut be recognized for the purpose of offering an amendment.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

The Senator from North Carolina.

(The remarks of Mr. EDWARDS are printed in today's RECORD under ''Morning Business.'')