

Finally, Reverend Washington is a sought-after minister, lecturer, and is the author of the book "The Triple Solution For Our Double A Problem," published in 2001. It is probably a good book for everybody to read to get a triple solution to double problems.

I am proud to have him here today. As I mentioned, he is joined by his wife.

I encourage Members of the Senate, as they come to the Chamber, if they get a chance, to meet Reverend Washington. I think they will be blessed. He has shared quite a testimony.

Some of you may recognize that he used to sing with Marvin Gaye, the Four Tops, and the Supremes. He has a voice, as you heard, and gave that for the ministry that the Lord might use it in another way. He is quite an individual and has been a good friend. I am glad to have him here as the guest Chaplain.

I have a statement I ask unanimous consent be printed in the RECORD from Congressman JIM RYUN of the second district in Kansas, which serves the Topeka area.

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

STATEMENT OF REPRESENTATIVE JIM RYUN OF KANSAS

I am pleased that Pastor Cecil Washington is with us today and am grateful for his willingness to open the Senate Chamber in prayer.

Pastor Washington is an exemplary citizen and a strong role model. His contributions to the State of Kansas are commendable and I applaud him for his service.

Pastor Washington currently is the pastor of the New Beginning Baptist Church in Topeka, KS, and previously served as the Chaplain of the Kansas House of Representatives. Pastor Washington, thank you for being here.

Mr. BROWNBACK. I yield the floor.

RESERVATION OF LEADER TIME

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

HOMELAND SECURITY ACT OF 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 5005, which the clerk will report.

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.

Byrd amendment No. 4644 (to amendment No. 4471), to provide for the establishment of the Department of Homeland Security, and an orderly transfer of functions to the Directorates of the Department.

Lieberman/McCain amendment No. 4694 (to amendment No. 4471), to establish the National Commission on Terrorist Attacks Upon the United States.

AMENDMENT NO. 4644

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. There are several speakers who will support my amendment, and each speaker has been allotted 5 minutes.

Will the Chair kindly remind each speaker when 4 minutes of the 5 have elapsed?

The ACTING PRESIDENT pro tempore. The Chair will do so.

Under the previous order, the Senator from North Dakota is recognized for up to 5 minutes.

Mr. DORGAN. Madam President, thank you very much.

I am pleased to be here to support the amendment offered by my colleague, the Senator from West Virginia, Mr. BYRD. This is a very important subject, the subject of homeland security. In some areas, if we make a mistake in the United States Congress, we waste money or some other inconvenience occurs or something important happens. But this is a case where if we make a mistake, the safety of the American people is at stake. So homeland security is critically important.

I have watched with great interest Senator BYRD's presentation of his amendment. Let me say this about my colleague from West Virginia. Much has been said about him. Let me say today that I think he is old-fashioned. That is right, I think he is old-fashioned. I think he brings to the floor, with this amendment, the values and virtues of being old-fashioned, saying: Yes, let's do it, but let's do it right.

I know that is old fashioned to some. We live in kind of a turbo-charged world. We want what we want, and we want it right now. We are a world of fast food, Jiffy Lube, 1-hour cleaning, and Minute Rice. We want it this instant.

Senator BYRD brings to us a version of legislative home cooking, saying: Let's put all this together the right way. Let's make sure it is seasoned the right way because the safety and security of this country depends on it.

Senator BYRD's amendment does not change the deadlines by which we will provide homeland security, but he sets up weigh points by which we can work with the executive branch to create this new Department of Homeland Security. After all, we are talking about putting 170,000 people in a single agency—one single agency.

Some would say: Well, that is pretty easy to do. It is not easy to do at all. The development of a bureaucracy is always at odds and always creates tension with efficiency and effectiveness. Take a look at what has happened in recent days, the stories about the CIA and the FBI and the kind of work that was done, or not done, with respect to what they knew and did not know leading up to September 11.

It is very important we have agencies put together and locked together in a way that protects this country's interests, and especially that we have accountability. And that is where the Byrd amendment is so important.

The Byrd amendment will guarantee the accountability of all of the Depart-

ment's activities because it will be assigned to one person. One person will be accountable for this agency as it is constructed: the Secretary of Homeland Security. I think that is very important to understand.

We are talking about putting together agencies, such as the Coast Guard, the Customs Service, Border Patrol, Transportation, security, Secret Service. This is a very big project.

Now, let me talk, just for a moment, about two very specific areas I am concerned about because they are part and parcel of this and why it is so important we get it right.

Port security in this country, homeland security/port security: We are going to spend \$7 to \$8 billion defending against an intercontinental ballistic missile that is going to come in at 14,000 miles an hour. People are worried a terrorist or a rogue nation is going to get ahold of an ICBM, so we will spend \$7 to \$8 billion on that in the Defense bill this year. But it is far more likely that a weapon of mass destruction will come into a port, in a container, on a container ship, and pull up to that port at 2 miles per hour.

We have 5.7 million containers coming into our ports every year and 5.6 million are not inspected. Dealing with that has to be a part of homeland security. That is why we have to get this right.

What Senator BYRD is suggesting in this amendment is not that we should delay the creation of homeland security. It is that, as we move along to the 13 months, we, in fact, create weigh points so we can measure what we are doing, what the President is doing, what the administration is doing.

The ACTING PRESIDENT pro tempore. The Senator has used 4 minutes.

Mr. DORGAN. It is very much like when you learn to fly. I learned to fly with a private plane once. When you fly, you fly the weigh points you establish out there. This legislation says: Yes, let's have a Homeland Security Department. Let's meet the deadline, do it on time, but let's do it right. And it establishes weigh points by which the Congress becomes a full partner with the administration in developing and making sure that we implement properly the Homeland Security Department.

If we make a mistake here, it is about the security of the United States of America. This is not about wasting money. It is about this country's security. That is why this amendment is so important.

People say: Well, this amendment guts the bill coming out of the committee. It does not do anything of the sort. This bill improves it. And this bill gives Congress the role it ought to have with the administration to make homeland security work for the United States of America.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Maryland is recognized for up to 5 minutes.

Mr. SARBANES. Madam President, I rise in support of the Byrd amendment and urge my colleagues to back this very important amendment. But I also rise to thank the very able Senator from West Virginia for his firm and constant leadership on this very important issue. I particularly appreciate the careful way in which he has formulated this amendment.

This amendment actually would achieve the establishment of the Department within the same timeframe that is contained in the bill brought from the committee.

The only difference is it would do it in stages and would give the Congress a continuing role to examine carefully how this is being done, how the directorates are put into place, and would give us a better chance to carefully examine the full range of implications of many of the important principles, including worker protections, civil liberties, privacy, secrecy, and which functions to transfer and how they should be transferred.

This is an enormous undertaking. The Senator from West Virginia has made a singular contribution in developing the potential ramifications and consequences of that with which we are dealing.

Senator BYRD is given to quoting Roman history. A lot of my colleagues tend to consider that as interesting but not always directly relevant. I disagree. I think he reaches back and draws out lessons which are of extreme importance to us. I particularly like the quote he used in this debate of Gaius Petronius Arbiter, who was an adviser to Nero:

We trained hard . . . but it seems that every time we were beginning to form into teams, we would be reorganized. I was to learn later in life that we tend to meet any new situation by reorganizing; and a wonderful method it can be for creating the illusion of progress while producing confusion, inefficiency, and demoralization.

What an apt quotation as we consider the important issue before us today.

The Baltimore Sun ran an editorial actually concluding that they were against establishing the Department of Homeland Security. Senator BYRD's amendment does not do that. Senator BYRD is prepared to establish the Department, but he wants to be very careful in how we do it. The Sun, in that editorial, pointed out that in trying to establish this Department, we are taking the focus off the need for tighter oversight of the Nation's security systems; that shifting 22 Federal agencies and 170,000 employees is a massive undertaking, and it needs to be done very carefully.

That is what the Senator from West Virginia has stressed again and again. We need congressional involvement which will help to ensure that we will craft the best possible legislation.

The ACTING PRESIDENT pro tempore. The Senator has used 4 minutes.

Mr. SARBANES. Additional oversight is required in order to assure that

this is done in the right manner. We have agencies with multiple functions. Some relate to homeland security; some do not. How are we going to accommodate that complexity? The Byrd amendment, by requiring further timely participation of the Congress, will give us the opportunity for additional scrutiny to ensure that a massive governmental reorganization is done carefully and effectively. We do not want to create chaos and confusion which will set us back in our efforts to deal with homeland security.

The Senator from West Virginia has underscored how carefully we did the National Security Act that reorganized the Department of Defense. That is not being done in this instance. I very strongly support this amendment and urge my colleagues to back it.

I ask unanimous consent the Sun editorial be printed in the RECORD.

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

[From the Baltimore Sun, Sept. 23, 2002]

BOONDOGGLED

At the risk of sounding heretical, it's time to pull the plug on the plan to create a Department of Homeland Security. Better yet, drive a stake through its heart.

Months of debate have made clear that this bureaucratic boondoggle offers no promise of making the homeland more secure. Worse, it takes the focus off the need for tighter oversight of the nation's security systems.

President Bush offered the most sweeping government reorganization in a half-century largely as a political and public relations tactic. He was trying to counter Senate Democrats who were advancing similar legislation of their own.

He timed the unveiling of his plan to drown out the testimony of FBI Agent Coleen M. Rowley, who was blowing the whistle on the security failures of her hide-bound agency that blinded it to clues of the Sept. 11 attacks.

Shifting 22 federal agencies and 170,000 workers into a new department will cost billions but will do nothing to solve the problems Agent Rowley addressed. What's needed is greater sharing, and coordination and synthesis of the security information collected by the myriad agencies.

But this new department would not even include the FBI and the CIA, which are the two premier intelligence gatherers. Nor is there any guarantee that greater sharing would take place between them if they were together.

The FBI, and Drug Enforcement Administration and the Immigration and Naturalization Service are already grouped together in the Justice Department, and they don't have a system for streamlined communications. As Agent Rowley told Congress, the various offices of the FBI didn't even share information with each other.

For the nation's security apparatus to become more efficient, the psychology and culture of those competitive and turf-protective agencies must change. Moving boxes around on an organizational chart and creating cement edifices to house them will do nothing but create more pork-barrel booty for lawmakers eager for new facilities in their home states.

Rep. Steny H. Hoyer, a Maryland Democrat who opposes creation of the department, contends the homeland security oversight job could be done by upgrading the White House advisor post now held by Tom Ridge.

The main reason Senate Democrats starting pushing the idea of a new department was their frustration with Mr. Ridge's refusal to submit to their questioning on the grounds that he was a confidential presidential aide.

Few lawmakers have openly opposed this sacred cow. The proposal whisked through the House in a matter of hours before the summer recess. It is bogged down in the Senate largely because of a partisan dispute over worker rules.

Mr. Bush is taking advantage of the opportunity to mow down longstanding worker rights and protections, saying he needs greater flexibility to hire, fire and move workers around.

That alone is a good reason to deep-six this plan. Civil service laws may well need some updating to attract and retain a quality work force. But the changes should be carefully applied throughout the government to avoid creating a class system in which workers at some agencies are treated better than those at others.

This Congress will leave much unfinished business. With any luck, that will include this pointless bureaucratic reshuffling.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Minnesota is recognized for up to 5 minutes.

Mr. WELLSTONE. Madam President, I am pleased to support the Byrd amendment. I thank Senator JOSEPH LIEBERMAN for his fine work. He was talking about a Department of Homeland Security long before the administration and understood the need.

I believe the Byrd amendment is a key improvement.

Mr. SARBANES. Will the Senator yield for 10 seconds?

Mr. WELLSTONE. I am pleased to.

Mr. SARBANES. I want to underscore what the Senator said. Senator LIEBERMAN has done fine work on this legislation. It is no detraction from Senator LIEBERMAN's fine efforts to support the Byrd amendment. In fact, I think the two can be perceived as being complementary.

I thank the Senator.

Mr. WELLSTONE. I thank the Senator from Maryland. His remarks reinforce what all of us believe.

The Byrd amendment would allow for a more orderly transition of authorities to a new Homeland Security Department than the underlying bill would otherwise provide for. I support the underlying bill, and I commend the chairman of the Government Affairs Committee and others for their work on it. Long before the Administration concluded that a single new Federal department could best protect our domestic security, the committee and its chairman, Senator LIEBERMAN, developed the framework for such a department. Now that framework is essentially the bill we have before us. It is a good framework, but I believe this amendment is a key improvement.

This bill authorizes the largest reorganization of Federal Government functions undertaken in half a century. While we have been debating the bill for several weeks, I agree with the Senator from West Virginia that it is a task that warrants deliberation and care. It is the right of Congress to participate deeply both in creating the

framework for this needed new department, but also in overseeing key details of the transition to it. Indeed, in my view, we have not only the right to participate. We have an obligation.

The Byrd amendment would allow immediate creation of a new Homeland Security Department. It would immediately establish the superstructure of the Secretary and the six directorates as outlined by the Lieberman substitute, and then require that the administration submit three separate legislative proposals to transfer agencies and functions to the new Department. This would give Congress the opportunity to gauge and modify how the new Department is being implemented, while it drafts legislation to transfer additional functions and agencies and would provide Congress with additional means to head off problems that traditionally plague and delay massive reorganizations. What's more, under the Byrd amendment, Congress would be required to act on these legislative proposals within 13 months on enactment, which is roughly the same time period outlined by the Lieberman plan.

Once the Department of Homeland Security is established, the Secretary will submit legislative proposals and recommendations for the orderly transfer of agencies and functions, based on the Department's actual needs in carrying out its mission.

Through additional involvement in the implementation of agency transfers and reorganizations, Congress will be able to exercise meaningful oversight after the enactment of homeland security legislation.

The Byrd amendment gives Congress a much-needed opportunity to review more thoroughly the details of the reorganization during the one-year transition period established in the Lieberman bill.

Congress can use this time to consider specific agency transfers, worker protection policies, new intelligence authority, and constitutional protections, instead of handing off unresolved questions for the President and the Secretary to answer.

Under the Byrd amendment, Congress will receive better information from the administration during the implementation of the Lieberman bill, including the criteria used by the administration in choosing which agencies and functions to transfer into the Department.

The Byrd Amendment guides us towards a more rational approach for undertaking the task of creating the new department, and I support it. Protecting the American homeland is not just President Bush's responsibility. It is our responsibility as well. And it is the responsibility of future presidents and future Congresses. So we must make sure that we do everything within our power now to create the very best structure to protect our's and future generations.

As I have said, Madam President, the Byrd amendment will allow for the im-

mediate creation of a new Homeland Security Department. It is important to understand that. There is no delay, and we have the same basic legislative time period of 13 months. Once the Department of Homeland Security is established, the Secretary will submit legislative proposals and recommendations for the orderly transfer of agencies and functions based on the Department's actual needs in carrying on its mission. Through additional involvement in the implementation of the agency transfers and reorganizations, Congress will be able to exercise meaningful oversight after the enactment of homeland security legislation.

That is what is so important about the Byrd amendment. It guides us toward a more rational approach to the undertaking of the task of creating a new Department. I support it.

Protecting the American homeland is not just President Bush's responsibility or any President's responsibility; it is our responsibility as well. It is the responsibility of future Presidents and future Congresses.

We must do everything within our power now to create the very best structure to protect our future and that of our children and grandchildren. I believe the Byrd amendment is a positive contribution.

Senator BYRD plays a key, indispensable role. Senator BYRD has been on the floor week after week calling on all of us to exercise our constitutional responsibility; talking about the importance of legislative involvement, the importance of checks and balances, the importance of deliberation, the importance of understanding full well the consequences of what we do.

The Senator from West Virginia deserves a tremendous amount of credit for his exceptional work as a Senator. I am very pleased to support the amendment.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from California is recognized for up to 5 minutes.

Mrs. BOXER. Madam President, I thank Senator BYRD for allowing me to take some of this time. It is truly an honor for me to rise on behalf of his amendment.

If ever there has been a more fierce, more forthright defender of the Constitution and the responsibilities we have as Senators, I can think of none other.

Clearly, what we have before us is a bill crafted by Senator LIEBERMAN which is far better than what has come out of the House, far better than what the administration put forward. There is no question in my mind that Senator LIEBERMAN has taken us forward.

I have to say, as someone who has been in office for many years, I have come to be very skeptical about a huge reshuffling of agencies in Government and huge moves without lots of time to look at the ramifications. My belief is that in moving so quickly to such a large reshuffling, we are going to bring

about less accountability, not more, in terms of how this Government functions.

Senator BYRD is saying, yes, we need to create this Department. Let's bring forward some of the best and brightest people to begin to put it together. But let's slow down; let's take a deep breath. Let's make sure what we are doing is going to result in more protection for the American people, more efficiency on behalf of these departments, not less.

I am also very concerned about the movement away from rights for people who will work in this Department. Senator LIEBERMAN has been very strong, and I hope he will prevail, but I am very concerned that more than 40,000 people in this new Department who do not deal directly with national security—they may be, for example, a secretary, a file clerk, someone who works in that Department—are going to lose worker protections.

I have said before, and I will reiterate it today, that it is a very cynical move, I believe a grab of power on behalf of this administration, to do that to these people. Doesn't the President have more things to occupy himself—and I know he does—than worrying about whether a secretary or a file clerk has the ability to say to the people who supervise her, through her union, through her bargaining unit: I need a better salary; I need better health care; explain to me what my work rules will be? I do not think any President—this one or any future one—should interfere with that. It is very important that people have their dignity.

On the one hand, we have the President saying he is creating this new Department and it is so important; on the other hand, what is the first thing he wants to do? He wants to strip away the rights of people.

In California over the weekend, I spoke to working men and women, maybe about a thousand of them. I pointed out to them what I have pointed out in this Chamber—and others have pointed it out, too—that the real heroes of 9/11 were not politicians, were not any Senators or Members of Congress. Certainly not. And certainly not anyone sitting in the Oval Office or in the Old Executive Office Building.

The ACTING PRESIDENT pro tempore. The Senator has used 4 minutes.

Mrs. BOXER. Madam President, do I have 1 minute remaining?

The ACTING PRESIDENT pro tempore. That is correct.

Mrs. BOXER. Madam President, the real heroes of 9/11 were working men and women, and they did not look at their watch and say: Gee, am I working overtime? They just went into those burning buildings. That is important.

Mr. President, when I first read the details of the President's Homeland Security Department proposal, I was concerned. And when the House leadership passed the President's proposal without so much as a second glance, I was dismayed.

Instead of a creating a blueprint for enhanced domestic security and more efficient Government, the President and a handful of others have created a patchwork proposal.

The legislation created by Senator LIEBERMAN stands in distinct contrast to the House-passed bill.

I believe the amendment proposed by Senator BYRD builds upon and strengthens the good work of Senator LIEBERMAN and his committee. The Byrd amendment provides for the creation of a Department of Homeland Security—just as the Lieberman bill does. But, instead of immediately moving agencies into the new Department's directorates, the administration would be required to come back to Congress—and to the relevant House and Senate oversight committees—with detailed legislative proposals before any transition actually occurs.

Many questions remain unanswered about this Department of Homeland Security. The Byrd amendment would require the President and his advisors to address these questions before agencies are moved into the new Department.

If we grant the administration the statutory powers it is demanding without first passing the Byrd amendment and making it part of the final bill we send to the President, we will lose the support, I believe, to get it right.

The Byrd amendment would also ensure that the implementation of the Department occurs in a more thoughtful way, with more openness and less secrecy.

I will conclude in this way: I am proud to support Senator BYRD's amendment. I hope my colleagues will do so, too. It retains the checks and balances that are so important and that our Founders told us we must do. It also will result in a Department that will be well thought out and that means it will, in fact, protect the people of this country in a much better way than we are being protected today.

I thank the Chair very much and yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Washington, Ms. CANTWELL, is recognized for up to 5 minutes.

Ms. CANTWELL. I thank the Chair.

Madam President, I rise today in support of the Byrd amendment to ensure the proper deliberation and congressional oversight in the creation of the Department of Homeland Security. While I applaud the chairman and ranking member for working to develop changes in our Federal system to better harden our defenses against potential terrorism targets, and to create effective, integrated protections, we must not allow the task of government reorganization to distract us from our vulnerabilities.

I think it is particularly timely that we are on the floor debating how to protect ourselves from the future of any kind of 9/11 attacks while the Intelligence Committee is discussing the

implications of its report that demonstrates how the primary weakness is not the fact we did not have a 170,000-person Federal agency.

Instead, we are learning that the men and women of our intelligence community neither have the resources nor the adequate mechanisms in place to communicate and to share information and to connect the dots before an attack happened.

I urge my colleagues to remember, while creation of a Homeland Security Department is an important step, which I believe is about hardening our targets and creating redundancy, we cannot ignore the primary challenge we are facing in intelligence gathering.

Similarly, any forward movement in strengthening our homeland security must not also distract us from our constitutionally mandated responsibilities to provide the necessary oversight and adequate deliberation in the enormous process of creating a new Department.

Make no mistake, we are currently considering some giant and unprecedented changes to our Federal system:

We are radically reshaping our Federal Government to meet new goals.

We are contemplating dramatic—and I think fundamentally unwise—changes to important civil service laws.

We are deliberating substantial changes to the roles and missions of many important agencies that provide important functions for our country.

We are even considering unprecedented changes in the relationship between Congress and the administration by handing over substantial aspects of our constitutionally derived authority to shape and form the functions of Government.

Despite the enormity of this effort and its implications, some have criticized the Senate for not rushing this legislation through this body. I submit that these critics are wrong. We are accountable to our constituents for good, thoughtful legislation—not the rate at which we pass a bill.

Our Founding Fathers created an ingenious system of Government that stresses deliberation as the only rational method to ensure sound decisionmaking.

This piece of legislation—perhaps the most important, wide-ranging legislation that has come before the Senate in recent years—deserves thoughtful consideration that is absolutely necessary in putting together this new agency.

That is exactly what Senator BYRD is proposing that we do. I thank the distinguished President pro tempore for his effort in stressing the importance of this responsibility.

The Byrd amendment will strengthen Senator LIEBERMAN's bill by sending the message that this body is committed to creating a Department of Homeland Security with a mission to protect the American people and with the clear determination that we will act responsibly in doing so because we want to get it right. This is critically important because it would require the

implementation of the new Department to be considered by Congress.

The Byrd amendment ensures that the important first step is followed by a process that will ensure that Congress and the Nation are involved in asking the right questions when it comes to the specific details of this reorganization, including the specific agencies and responsibilities that need to be transferred, the personnel strategies that need to be implemented, and a wide array of other logistical issues.

Any reorganization of this magnitude is difficult and complex. I can tell you, having been in the private sector, I have seen a lot of reorganizations in the private sector that don't go as smoothly as people want them to. And on a much larger scale, this proposal, I believe, deserves the kind of attention this amendment gives it.

The PRESIDING OFFICER. The Senator has used 4 minutes.

Ms. CANTWELL. Madam President, I think there are two fundamental examples in this bill. One of them is the Coast Guard—I am sure my colleague from Washington will expound on this—which is being transferred. The critical mission of that agency needs to be secured and understood as that agency is transferred. The other is an important opportunity within the National Institute of Standards and Technology with the Computer Security Division—again, a key mission that is being met for the private sector in creating technology standards that may be transferred, and that mission may be lost.

In summary, it is critically important that we not rush to make these changes and then believe we have delivered service to the American people. Let them be sure we are involved in guaranteeing that this agency is hardening our targets and strengthening our redundancy.

The PRESIDING OFFICER. The senior Senator from Washington, Mrs. MURRAY, is recognized for 5 minutes.

Mrs. MURRAY. Madam President, for the past several weeks we have been talking about the proposal to create a Department of Homeland Security. I think it is very clear that there are a lot of details that still need to be worked out.

I thank Senator BYRD for his leadership and his patience in raising the questions that must be raised to improve our security and our safety.

I want to make sure we don't just "do something" about security, but that we do the right thing. Let's face it, it takes time to get the simple things right. I have been working with the Transportation Security Administration now for months on airline security and we still have not worked out all of the issues. It took a long time for us to get the National Guard to deploy to our northern border. In creating this new Department, I want to make sure we get it right.

Three weeks ago, I spoke on the Senate floor and raised a number of questions, and at this point I am still troubled by the lack of answers I have received. There are many different ways to set up this Department. The President has offered one way. His proposal was created in a short amount of time by a few officials meeting at the White House in secret. We don't know how the President's proposal will balance the security and the economic needs of the American people.

As I have stated before, I have two major concerns. First, we have not yet figured out how to fulfill our traditional missions and the new security missions at the same time. If we combine these various agencies into one massive Homeland Security Department, how are we going to meet the traditional mission?

Just look at the Coast Guard. Since September 11, the Coast Guard has shifted resources away from their traditional missions to homeland defense. That is an appropriate response, but it comes at a cost. What the shift in resources means to the average American is that the Coast Guard is now spending less time interdicting drugs and illegal immigrants, enforcing fishery and marine safety laws, and protecting our marine environment. Yet the need for the Coast Guard to perform these vital missions is as important today as it was before the attack on our country.

Unfortunately, we have not figured out how to effectively carry out both missions at the same time. I would like to know how one massive Department, focused primarily on security, will more effectively address all of our safety and security needs.

Secondly, I am very concerned about how this new Department will function. The administration has asked for unprecedented power and control over this proposed Department. The President wants to change the personnel rules so he can have what he calls flexibility. From what I understand, the administration already has flexibility under current law.

In addition to dramatic new controls over workers, the administration wants the power to move money around without congressional input. From what I have seen so far, that is pretty scary news for families in my State of Washington.

Right now, I can fight to make sure that the needs in my State are being met. But if the administration gets this unprecedented authority, then accountants in the Office of Management and Budget will decide what is important to the people in my home State. If that happens, my constituents are going to lose out—at a cost to their safety and their security.

So we need to better understand and define all of the missions in the various agencies. We need to make sure they continue to fulfill their traditional missions. That is why I support the Byrd amendment. It will allow us to

move forward in a pragmatic manner that allows us to do this right. It is essential for our economic security and our future safety.

I urge my colleagues to support the Byrd amendment.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut, Mr. LIEBERMAN, is recognized to speak for up to 5 minutes.

Mr. LIEBERMAN. I thank the Chair. Madam President, for literally more than a year now, the bipartisan membership of the Senate Governmental Affairs Committee has been working to strengthen our homeland security, particularly and intensely after the events of September 11 which showed the extent to which the disorganization of Federal homeland security activities created vulnerabilities of which the terrorists took advantage.

The amendment offered by the great Senator from West Virginia is the most direct challenge the committee's work will face in this debate because it puts at issue the question not only of the approach the committee has taken in creating the Department but whether we in the Senate believe it is urgently necessary to have a Department of Homeland Security, a better organized Federal Government to protect the American people anytime soon.

This amendment will retain the basic administrative structure of the Department as we have proposed, but that is all. The amendment nominally sets up the same six directorates as the Governmental Affairs Committee proposal, but that is where the similarity ends.

Here is an example: We created a directorate for emergency preparedness and response. Our Committee proposal transfers six distinct agencies, or sets of programs, and includes more than seven pages of legislative text specifying the missions and operating provisions of the directorate. The parallel provision in Senator BYRD's amendment, section 134, found on page 37 of that amendment, consists of not seven pages but seven lines of text. Three creates the directorate, and four authorizes an Under Secretary to run it. But that is all. No goals, no missions, no duties, no programs, no personnel, no directorate in any real sense. That is the approach taken by this amendment for all of the directorates, with the exception of Immigration, where the amendment does not disturb our provision to transfer and restructure the Immigration and Naturalization Service.

For example, our provisions regarding a new division of intelligence would immediately begin building a potent new capability to analyze all information regarding terrorist threats and disseminate the information to help prevent or protect against attacks.

The Intelligence Directorate in the Byrd amendment is an empty room with a name on the door, awaiting future legislation to give it staff and purpose; and so it would remain, I fear, indefinitely, because there is no effective

termination point, no effective implementation point in the amendment's structure.

Section 139 of the Byrd amendment calls for the Secretary of the new Department to submit to Congress over the course of the next year a series of legislative proposals for these shell directorates, including recommendations for the transfer of authorities, functions, personnel, assets, agencies, or entities, all of which would fill them up and give them some meaning.

Those recommendations are to be submitted to Congress at least 4 months apart, beginning no sooner than February 3, 2003—next year. That means that, at best, Congress would have the administration's proposals a year from now—a year to recreate proposals that we have before us today.

The amendment states that Congress should take action on these proposals within 13 months of enactment of the underlying homeland security legislation. But even if this deadline were heeded, it means only that Congress would take some action. Congress could reject one or more of the proposals or vote to study the matter further. The fact is that it is very hard to bind a future Congress to do anything. So at the end of the year, under the committee's proposal, that is the deadline for this Department to be fully up and running. Thirty days after the President signs legislation under our proposal, the new Secretary would have the power to start getting the Department running. A lot of it would start rapidly, but it would all be done within a year.

Within a year, under the Byrd amendment, there is nothing but the hope that Congress will react to the proposals the administration will have sent it. So with the exception of immigration functions, there would be no assurance in the end that anything would ever be transferred into the new Department. It could indefinitely remain a bare-bones proposal with no meat on its skeletal frame whatsoever.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont is recognized to speak for up to 5 minutes.

Mr. JEFFORDS. Madam President, let me begin by commending Senator LIEBERMAN for leading this debate. I appreciate the hard work the Senator from Connecticut, the Governmental Affairs Committee, and the staff put into this important legislation.

I rise today to support the amendment of the homeland security legislation that has been proposed by my colleague from West Virginia, Senator BYRD.

I am concerned about the path we are proceeding down to create this new Department, and I doubt that the result of this flawed process will adequately address the intelligence failures that were revealed so tragically on September 11, 2001.

Congress must not cede its constitutional role and responsibilities to the

executive branch in this dramatic Government reorganization. Congress must remain engaged in this effort to ensure it results in a functioning, effective agency.

This mandate is made clearer when we compare the current process with similar reorganizations in the past.

For instance, comparisons have been drawn between this legislation and the creation of the Department of Defense. But the creation of the Department of Defense involved a collaborative process between the executive branch and the Congress. And the executive branch agencies affected by the proposed Department were participants in the process.

Thus, the Department of Defense was founded upon discussion, debate, and compromise.

This cooperative approach to developing a workable new Department contrasts starkly with the way the administration developed its homeland security draft legislation.

A small group of advisers working in secret within the White House developed President Bush's proposal. Members of Congress and Secretaries of the affected cabinet agencies were reportedly not even informed about the proposal until the days before it was unveiled.

And even now, rather than working with Congress to develop consensus on this legislation, the administration insists it will veto any proposal that does not closely resemble its own.

Of specific concern, the administration's proposal does not place enough emphasis on correcting what went wrong prior to September 11. I firmly hope that we, as a Nation will develop a comprehensive plan to address the shortcomings in our intelligence gathering and communication efforts.

Because of the similarity of the September 11 attacks and the attack on Pearl Harbor over 60 years ago, we should remember the finding of the Joint Congressional Committee that investigated Pearl Harbor.

That Committee found that ". . . the security of the Nation can be insured only through . . . centralization of responsibility in those charged with handling intelligence."

I hope we will learn our lesson after the tragic events of September 11. Correcting intelligence failures must be the hallmark of any new Department of Homeland Security.

This reorganization will affect the lives of everyday Americans for years to come. Because the President's proposal does not adequately address intelligence failures, and because the administration refuses to enter into a constructive dialogue with the Congress regarding legitimate disagreements, we have a constitutional responsibility to act.

Therefore, I support Senator BYRD's amendment to the homeland security legislation. The Byrd amendment will go along way toward ensuring Congress continues to play a constructive role in

shaping the new Department as this process moves forward.

I commend the Senator from West Virginia for his help and assistance in helping us all to better understand this problem.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Under the previous order, the Senator from Michigan is recognized to speak for up to 5 minutes.

Ms. STABENOW. Mr. President, I acknowledge, as other colleagues have, the important work of the Senator from Connecticut. Senator LIEBERMAN was the first to outline the reasons for bringing together all of the essential functions of Government that relate to homeland security. I know he has put literally hundreds of hours into this effort, and we thank him for that.

I support the Byrd amendment as an addition to this effort, not as a detraction, because I believe what Senator BYRD has articulated is a very important part of the way we put together a Department of Homeland Security. I think it is essential. So while I support the homeland security effort, I believe it is important to move forward along the timelines and with the checks and balances that Senator BYRD so thoughtfully has put together.

Simply put, the mission of this Department is too important to be rushed into law. I know the Senator from Connecticut would say that after months and months it does not seem like rushing; that there has been a tremendous amount of effort that has gone into this. But as that is said, I also know it is a huge task bringing together 170,000 employees, and there are many questions about the various departments, so this is something that will take continued time and thoughtfulness to be able to put together.

There are many questions that remain, and if the public is to have confidence in the new Department, those questions need to be answered. For instance, why are certain agencies being transferred into the new Department? What criteria are the administration using to determine what agencies should be transferred? Almost all of these agencies being transferred have other functions not related to homeland security, which is of great concern in Michigan—this has been raised in a number of contexts—and how will those functions be separated? How will they be affected?

In Michigan, we have concerns about the Coast Guard, which is a very important part of our operations not only in fighting terrorism but we want to make sure there are sufficient resources to deter terrorists from coming into our country by boat. We also know there is a critical role in search and rescue operations and ship inspections. We want to make sure in Michigan we do not lose resources for those essential civilian functions as well as the important efforts to fight terrorism.

In earlier discussions about the Homeland Security Department, the

Department of Agriculture's Animal and Plant Health Inspection System, or APHIS, would have been moved to the Homeland Security Department. While it is reasonable that the border inspection mission of APHIS would be a part of the new Department, it is also critical the domestic mission of protecting animal and plant health, and ultimately the health of American consumers, remains within the Department of Agriculture. If the full transfer of APHIS comes up again, I would like to debate and vote on that.

Those are the kinds of issues I am concerned about. We have workforce questions. There are a number of issues that have been raised which I believe need our continual input, and that is why I support the timeframe that has been put together in the Byrd amendment to create the Department without delay but then to come back to the Congress, receive input, take it step by step to make sure we are, in fact, doing it right. That is what the Byrd amendment is all about. It is about creating this Department with input feedback, coordination, and cooperation that is going to enable us to do this huge job.

The PRESIDING OFFICER. The Senator has used 4 minutes.

Ms. STABENOW. I believe the Byrd amendment is a more disciplined process that will help us create a Department that is cohesive, responsive, and effective with its duties and missions clearly defined. I urge my colleagues to join with so many of us in supporting the Byrd amendment.

I yield back my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Under the order that was entered last night, Senator BYRD had requested 10 minutes. We all thought it was 5 minutes, but I think it is appropriate he have the 10 minutes. Therefore, I ask unanimous consent that Senator LIEBERMAN be extended another 5 minutes to balance out that time.

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

Under the previous order, the Senator from West Virginia is recognized to speak for up to 10 minutes.

Mr. BYRD. Mr. President, it is my understanding Senator THOMPSON wants to speak. I ask the Chair to alert me when I have consumed 4 minutes and when I have consumed 5 minutes. I hope by the time I use 5 minutes Mr. THOMPSON will be in the Chamber so the other side can be heard, I can then speak, and then Mr. LIEBERMAN can close out the debate.

I congratulate Mr. LIEBERMAN, the Governmental Affairs Committee, and all of the staff members of that committee. They have worked hard, they have worked long, and they have produced a bill that is, in my judgment, a great improvement over the House bill.

My amendment only addresses title I of the Governmental Affairs bill. The other titles are not touched by my amendment.

What does my amendment do? My amendment substitutes for title I in the Lieberman bill in a way that provides congressional oversight and a systematic and orderly process by which the agencies are transferred into the new Department.

My amendment provides for the creation of a Department of Homeland Security. My amendment provides for the same superstructure as does the Lieberman amendment: in other words, the same directorates in title I and the same number of Under Secretaries, Assistant Secretaries, and so on. Those are how the two titles, title I in the Lieberman bill and title I in the Byrd amendment, are the same. What is the difference, then? The difference is my amendment provides for an orderly process whereby, in every 120 days over the next 13 months, there will be a transfer of agencies into the Department. So these will occur at 120-day intervals, unlike the Lieberman bill, which provides for the wholesale transfer over the next 13 months; it could come early, it could come late, it could come earlier than 90 days after the passage of the bill, or it could come as late as the close of the transition period, which is 12 months following the first 30 days.

Mr. LIEBERMAN says the Department will be up and running in 13 months under his legislation. But his legislation requires only that agencies be transferred by the conclusion of the 13 months. It doesn't say they will be up and running. His bill in that respect is exactly like my amendment. Both the Lieberman bill and the Byrd amendment provide for the conclusions of the transfers of agencies over the 13 months—by the end of the transition period, which is the end of the 13 months.

Neither his bill nor my amendment provides that the Department will be "up and running," as the distinguished Senator has said. No legislation can guarantee when the Department will be "up and running." It will likely be years, which is why Congress needs to ensure a continuing role for itself.

So there will be an orderly process under the Byrd amendment, and the chaos that will occur under the Lieberman proposal will be avoided.

Congress is kept involved under the Byrd amendment, which means that the Lieberman committee will be kept involved. My amendment provides for the protection of employee rights, privacy, and civil liberties. How does it do that? Because Congress stays involved.

The PRESIDING OFFICER. The Senator has used 4 minutes.

Mr. BYRD. I thank the Chair.

Congress is involved. Mr. LIEBERMAN's committee will be involved time and again—once, twice, three times. So Congress will be there, looking over the shoulder of the agencies, so to speak, looking over the shoulder of the administration, looking over the shoulder of the President. The President has said he needs flexibility.

We hear that worker rights will be challenged, will be jeopardized. That is not true under my amendment because of the fact that Congress will always be there, looking over the shoulders of those who would be acting to constitute the agency transfers.

Time and again, the workers' rights will be under surveillance because Congress will not pass this bill and then walk away, as would be the case in the Lieberman bill, in which instance the Congress would pass the bill now, and then for the next 13 months—

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. BYRD. Over the next 13 months, Congress would walk away to the sidelines.

So under my amendment, we are not going to say: Mr. President, here is the bill. You take it. Just report back to us from time to time and let us know how it is working. Congress is not going to relegate itself to a zero. Congress is going to be involved. Congress will be there to protect worker rights, to protect privacy, to protect civil liberties.

So I urge the Senators to vote for my amendment. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I yield up to 5 minutes of the time I have to the Senator from Tennessee.

Mr. THOMPSON. Mr. President, I thank my colleagues again for their eloquent statements on behalf of their positions. I think the issue with regard to this amendment has been well clarified because of those statements. I think it is pretty obvious now that there is almost unanimity that we need to proceed with the homeland security bill—unanimity in this body. There is disagreement as to whether we ought to get about doing it or whether we should delay it. I think that is the fundamental issue with regard to this amendment.

This amendment that has been offered by the Senator from West Virginia would basically postpone the implementation of the new Department for at least a year. The President's proposals in the House and Senate bills all establish directorates. They list responsibilities, transfer funds to agencies.

Senator BYRD strikes from the Lieberman substitute all language spelling out responsibilities and transfers of functions for each directorate, leaving only language establishing each directorate under an Under Secretary. Instead, he requires the administration to provide legislative proposals in the future, no sooner than February of 2003 for border and transportation, no sooner than 120 days later for intelligence and for critical infrastructure, and no sooner than 120 days after that for emergency preparedness and science and technology.

The overall thrust is to delay implementation of this bill. The question we have to ask ourselves is whether we be-

lieve, in the exercise of our responsibilities as representatives of the people of our States, that that is the thing to do, that is where we are. I suggest we already have legislative proposals before us that the Senator from West Virginia would have the administration produce sometime next year.

We in government, especially those in the Governmental Affairs Committee, have been watching and listening and discussing for years the way the Government in many respects is dysfunctional. It has been created and added onto little by little over the years. It needs reorganization in the worst sort of way. We have been listening and watching and discussing the fact that the threat to our country from rogue nations and from terrorists is growing and growing and growing. This is not new information to any of us.

The disorganization of government and the growing threat of especially nuclear proliferation have been things that have been before this body for years and years and years. Unfortunately, it takes something like September 11 to get us activated so we even have a discussion such as this.

Now we have a proposal that says essentially we are moving too fast, although commissions started telling us 2 years ago what we needed to do. We started having hearings a year ago with regard to what we needed to do, and we have had 18 hearings on homeland security in the Governmental Affairs Committee alone and dozens of other hearings in the House and the Senate.

Is it really too rapid? Are we really moving too fast? Is that a criticism that is a just accusation to this body: That we are speeding this thing along, at long last, after all the information and hearings and GAO reports that you could stack as high as your head about the problems with Government and the way it needs to be reorganized and needs to be more efficient, that we have too much waste and fraud and abuse and mismanagement and overlap and duplication—for years and years, and nobody paid any attention to it?

Now we are finally getting around to addressing some of this, and the issue before us is whether or not we need to wait at least another year before we even start doing those things. I suggest we do not. I suggest we need to get on about it. I suggest obviously there are going to be a lot of twists and turns in the road.

We have seen amendments to the Department of Energy Act recently. We have seen DOD amendments in 1985, major amendments, Goldwater-Nickles. Major pieces of legislation creating major departments or consolidated departments always produce the need to revisit those issues at a subsequent time.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. THOMPSON. I ask for an additional 1 minute.

The PRESIDING OFFICER. The Senator may continue.

Mr. THOMPSON. I suggest Congress is not going to lose its oversight. It has been under Congress's oversight, I might add, that this duplication, waste, fraud, abuse, mismanagement, and civil service system, which the Brookings Institution and representatives there say fails and underwhelms in every task it takes—it has been under our supervision that that has been created. With the appropriations process and the oversight process, if we do it correctly—not the way we have necessarily done it in the past; if we do it correctly—Congress will have a firm hand as we go down the road in the creation and the implementation of this new Department.

It is not because we are moving too fast or because of any structural deficiencies that Congress has not had the proper hand. It is because we just simply have not done it. I suggest it is about time we did it. The creation of this Department is the first step in that regard.

Mr. BIDEN. Mr. President, I rise in support of the Byrd amendment.

I had a conversation recently with Alexander Giacco, the former chairman of the board of Hercules, Incorporated. Mr. Giacco, although not taking a position on this amendment, impressed upon me the difficulty of wholesale organizational change, of the importance of getting such a structural upheaval right, and it is his comments which in part guide my vote this morning.

Senator BYRD has it right. Senator BYRD warned us months ago that a Department of Homeland Security was needed, but that the way to create such a massive new structure was not to rush into a new flow chart without asking questions first. The way to do this job right is to be deliberate, to be thoughtful, and to ask the tough questions about how our Federal agencies will interact so as to better protect the Nation. Senator BYRD's amendment gets us to a new Department as quickly as does the President's proposal and as does the proposal reported favorably by the Committee on Governmental Affairs in July.

It is important for us first to understand all that has been done since September 11 to boost our homeland defenses. In the 12 months since the attacks, the President and the Congress have moved with dispatch. The President created the Office of Homeland Security and selected the able Tom Ridge as its head. I was proud to work with my colleagues on the Judiciary Committee to draft the USA Patriot Act. That bill was a long overdue strengthening of our laws against terror. It increased the ability of law enforcement to share information, facilitated the sharing of information from criminal investigations, and reconsidered the wall that has in the past prevented the FBI and the CIA from working effectively together.

The FBI has expanded its terrorist threat warning system. A new five-

level homeland security alert system has been created. Ninety-three antiterrorism task forces have been created in U.S. Attorney offices around the country. INS and Customs are working together to increase their cooperation in border enforcement. The FBI now provides information, on a daily basis, to terrorism task forces nationwide as well as to the CIA and the Defense Department. Director Mueller is in the process of revamping the entire FBI so that its primary focus is the prevention of terrorism. The INS and the State Department have together developed a Consolidated Consular Database, a database that includes visa information and photographs for aliens seeking entry into the U.S.

We have created an entire new agency, the Transportation Security Administration. Its sole mission is to protect the Nation's transportation systems. TSA has deployed federal passenger screeners to 122 airports. They have hired more than 32,000 new Federal security screeners. These screeners will be in all 429 commercial airports by November 19. Ultimately, TSA will hire some 54,000 Federal passenger and baggage screener workers. This represents a wholesale change from the way the country organized its airport security systems prior to September 11.

Congress, with the leadership of Senator BYRD, has passed an emergency supplemental spending bill designed to increase the resources available to our States and localities and so the country can better prevent and respond to terror threats.

The President's proposal was developed extremely rapidly, after months of Administration claims that a Homeland Security Department was not necessary, and by a tiny number of people with little to no expertise in security matters. In contrast, the chairman of the Governmental Affairs Committee has been at this issue for over a year, Senator LIEBERMAN rightly alerted us to the recommendations of the Hart / Rudman Commission and others even before September 11. His committee held a series of hearings over the past year to determine how best to restructure and reorganize Federal agencies so that they are best positioned to respond to terror.

It is much more important that we do this right rather than doing this quickly. Imagine the impact on our country if we get this massive job wrong. Reorganizations are hard work, and if history is any guide our first effort often needs to be revisited. Modern management principles teach that the agencies and functions of the executive branch should be grouped together based on their major purposes or missions. The National Security Act of 1947 created the Department of Defense, the Central Intelligence Agency and the National Security Council. Even this well thought out proposal has required serious congressional tinkering: Congress made further amend-

ments to the organization of our national security agencies in 1949, 1953, 1958, and in 1986.

Senator BYRD's amendment builds on the work of the Committee on Governmental Affairs. The amendment retains the overall administrative structure as envisioned by the committee: six new directorates, each headed by an Under Secretary. A new Directorate of Immigration Affairs is created, and recommendations made by Senators KENNEDY and BROWNBACK to reform the INS are adopted there. The new Secretary of Homeland Security is required to submit to Congress recommendations for structuring the other five directorates. The first recommendation would be received by Congress no later than February of next year. Congress is required to take action on all of the administration's proposals by 13 months from after the legislation goes into effect. The Department would be in place in 13 months time at the latest, the same timeframe envisioned by Senator LIEBERMAN's proposal.

The Byrd amendment gives us an orderly process under which agencies are transferred into the new Department. The Governmental Affairs bill requires that agencies are transferred to the new Department over a transition period lasting 13 months. But neither the Byrd Amendment nor the Governmental Affairs Committee's bill guarantees that a new Department will be "up and running" in just over a year's time. In fact, the General Accounting Office has testified that Congress should not expect "meaningful and sustainable results" from the new Department for at least 5 years, and perhaps as long as 10 years, due to the inherently slow nature of transitioning so many agencies into one new structure. Timing of the creating of a new Department is thus not an issue under either proposal.

Senator BYRD's proposal guarantees that the new Department will be created with increased congressional oversight over its functions. Congress will not be able to pass this bill and walk away. Rather, we will be forced to more closely scrutinize these proposals to better ensure that the new Department will function effectively. I urge my colleagues to support the Byrd amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. BYRD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from West Virginia has 4 minutes 19 seconds.

Mr. BYRD. There remain 4 minutes 19 seconds.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Mr. President, will the Chair inform me when I have 1 minute remaining.

The PRESIDING OFFICER. The Senator may proceed.

Mr. BYRD. Mr. President, the distinguished Senator from Tennessee and others have claimed that my amendment would delay the implementation of the Department.

The exact opposite is true. My amendment will provide in an inordinate way the expeditious functioning and the expeditious transfers of the various agencies in the Department.

Let me say this, too. The people who are going to protect this country under a new Homeland Security Department are protecting this country today. They are on the borders every night. They are at the ports of entry. They are at the airports. We saw only recently the FBI arrest of six persons of Yemeni descent. According to the FBI, they constitute a terrorist cell. So the FBI is out there doing its job. We don't have a Department of Homeland Security. It didn't keep the FBI from doing its work. These people are out there every night and every day, 24 hours a day. So the work is going forward. Even if we never create a Homeland Security Department, these people are out there, and they are performing their work, and doing it admirably.

The argument has been made that Senators should oppose my amendment because it would undo the work of the Governmental Affairs Committee and force the Senate to readdress issues that have already been decided. But the Senate has not decided these issues, and they won't be decided even if we pass the Lieberman bill.

Of the 80-plus Federal agencies that currently have homeland security-related functions, we don't know why 28 of those agencies and offices were chosen by the administration and endorsed by the Governmental Affairs Committee to be transferred to this new Department. We don't know how the administration will reorganize these agencies once they are transferred.

We don't even have a budget for this new Department. So we have no idea about the costs associated with implementing it or how the administration plans to pay for this Department. We don't know if and by how much worker protection will be curtailed within this new Department.

Yet the Lieberman bill would have the Congress grant the statutory powers to the administration to create this Department and require only that the President report back to the Congress and to the American people after these decisions have already been made. The Congress would walk away from this new Department and require only that the President let us know how everything turns out.

My amendment seeks to create a process by which the Congress would retain control over the implementation of the new Department. It seeks to ensure that this Department is not left to languish in a limbo of chaos and confusion.

My amendment seeks to ensure that the Congress thoroughly consider what we are doing before granting broad au-

thority to the administration with regard to such fundamental concerns as civil service protections and the privacy rights and civil liberties of the American public.

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. BYRD. I thank the Chair.

Mr. President, I will tell you what is delaying the work of homeland security—the intransigence on the part of the President. He had an opportunity to sign an appropriations bill that would provide \$2.5 billion for homeland security—a total of \$5.1 billion. He had an opportunity to sign it as an emergency. All it needed was his name. He had 30 days in which to consider it. He steadfastly refused to sign his name. This is money that is awaiting the President's signature to go throughout this country to aid the people at the local level in making preparations to avoid another terrorist attack, and to ameliorate the effects of such attacks if they occur.

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

Mr. BYRD. Mr. President, I ask unanimous consent for an additional 30 seconds for each side.

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

Mr. BYRD. Mr. President, I urge Senators to cast their vote today. I know most of the other side, if not all on the other side of the aisle, will probably vote against this amendment. We are going to lose on this amendment, but I thank those who have spoken for it. I thank those who will vote for it.

Let me say to you that it is not how it looks today; it is how your vote will look 1 year from today. I urge all Senators to support my amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I appreciate this amendment being put forward. I oppose it intensely. I have great respect for the sponsor. But I appreciate it being put forward because, more than any other amendment that we have heard or will hear on this bill, it frames the issue. The question that Senator BYRD's amendment forces every Senator to answer is, Do you want to create a Department of Homeland Security anytime soon? Do you have a feeling of urgency about the disorganization of our Federal Government's response to the terrorist threat, and do you want to respond to it anytime soon?

With all respect, this amendment eviscerates the proposal that came out of our committee, the bipartisan proposal. As I have said earlier in the debate, it builds a house and leaves only the attic with a few people up on top. It creates an army to protect America and the rest of the world against terrorism with a few generals and no soldiers underneath.

To say that it strengthens our proposal is like telling somebody who owns a house that you are strength-

ening their house by removing the foundation. It puts at issue what we have done.

I do not see how anyone can vote for this amendment and say they are for adopting and creating a Department of Homeland Security soon. The question is, What happens after 13 months? Under our bill, as Senator BYRD has said, all of the agencies that are going to be part of the new Department have to be transferred within 13 months. To me, that means they are going to be operating together as a whole Department, but they have to be transferred.

What happens under the amendment? All that has to happen in 13 months is that Congress has to act in some way, if Congress 13 months from now decides that it wants to act. It is kind of a moral invocation, if you will. It is not enforceable by anyone. That is why I say that ultimately not only does the amendment eviscerate the bill but it has no end point to it.

Senator BYRD is right. There are Border Patrol and other agencies out there right now, but are they talking to each other? Are they coordinating their strategies? Are they integrating their databases? Are they meshing their command structures? Are they working adequately with State and local officials with the purpose of making every decision on every agency stronger and more effective to protect our Nation? The answer is no.

In a Dear Colleague letter that Senator BYRD sent, he said similar things to what he said on the floor. He said that the "amendment seeks to create a process by which the Congress would retain control over the implementation of this new Department." But it does so at a very high cost. The cost is no guarantee that the Department would be created anytime soon.

I stress that the underlying proposal which came out of our committee does, in fact, protect the right of Congress to oversee and have great influence over the implementation of this new Department, first, and most significantly, through the appropriations process, and, second, we specifically rejected a call by the White House for broad authority to reorganize the components of the new Department notwithstanding what the law says now. We have said in this bill that you can only do what the law allows. If you want to change the law, you have to come back to the place where laws are made; that is, the Congress. We have required that every 6 months the new Secretary come back to Congress and make recommendations to us about any changes he or she wants to make in this Department.

So the issue is clear, and the moment of truth has arrived for Senators. Do we want to create a Department of Homeland Security now? If you do, I respectfully suggest that you must vote against this amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senator from West Virginia.

The Senator from Connecticut.

Mr. LIEBERMAN. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LIEBERMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) and the Senator from Hawaii (Mr. INOUE) are necessarily absent.

The result was announced—yeas 28, nays 70, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—28

|           |          |             |
|-----------|----------|-------------|
| Biden     | Graham   | Nelson (FL) |
| Boxer     | Harkin   | Reed        |
| Byrd      | Hollings | Reid        |
| Cantwell  | Jeffords | Sarbanes    |
| Clinton   | Johnson  | Schumer     |
| Conrad    | Kennedy  | Stabenow    |
| Dayton    | Kohl     | Wellstone   |
| Dorgan    | Leahy    | Wyden       |
| Feingold  | Mikulski |             |
| Feinstein | Murray   |             |

NAYS—70

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Domenici   | McCain      |
| Allard    | Durbin     | McConnell   |
| Allen     | Edwards    | Miller      |
| Bayh      | Ensign     | Murkowski   |
| Bennett   | Enzi       | Nelson (NE) |
| Bingaman  | Fitzgerald | Nickles     |
| Bond      | Frist      | Roberts     |
| Breaux    | Gramm      | Rockefeller |
| Brownback | Grassley   | Santorum    |
| Bunning   | Gregg      | Sessions    |
| Burns     | Hagel      | Shelby      |
| Campbell  | Hatch      | Smith (NH)  |
| Carnahan  | Helms      | Smith (OR)  |
| Carper    | Hutchinson | Snowe       |
| Chafee    | Hutchison  | Specter     |
| Cleland   | Inhofe     | Stevens     |
| Cochran   | Kerry      | Thomas      |
| Collins   | Kyl        | Thompson    |
| Corzine   | Landrieu   | Thurmond    |
| Craig     | Levin      | Torricelli  |
| Crapo     | Lieberman  | Voinovich   |
| Daschle   | Lincoln    | Lott        |
| DeWine    | Lott       | Warner      |
| Dodd      | Lugar      |             |

NOT VOTING—2

Baucus Inouye

The amendment (No. 4644) was rejected.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Nevada.

Mr. REID. Madam President, it is my understanding we are now going to proceed to a period of time to offer tributes to our friend, the distinguished Senator from South Carolina; is that true?

The PRESIDING OFFICER. The Senate is open for morning business for that purpose.

Mr. REID. Madam President, I ask unanimous consent that the first speaker be the majority leader, the second speaker be the Republican leader, followed by Senators HOLLINGS, STEVENS, BYRD, and a Republican, to be named at a later time.

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, for not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The majority leader.

TRIBUTE TO SENATOR STROM THURMOND

Mr. DASCHLE. Madam President, I join my colleagues today in this special presentation to acknowledge the distinguished Senator from South Carolina for his decades of service in this Senate.

America has changed in many ways in the 48 years since JAMES STROM THURMOND was first elected to the Senate. But some things have not changed. Among them are Senator THURMOND's fierce determination to do what he regards as the right thing for the people of his beloved South Carolina.

While Senator THURMOND and I often reach different conclusions and cast different votes, I admire his devotion to his State, to our Nation, and to this Senate. In recent years, fulfilling that obligation has seemed at times to require an extraordinary exercise of will or love or both.

Someday another Senator will sit in Senator THURMOND's seat, but it is hard to imagine anyone ever filling his shoes. He is, as I have said before, an institution within an institution.

He has been alive for almost half the history of the United States. Theodore Roosevelt was President when he was born. He was 17 years old when American women secured the right to vote. He is one of only a few Americans alive who received votes from Civil War veterans. He has lived through the term of 18 of America's 43 Presidents and served as a Senator under 10 of them.

His long and distinguished career is remarkable for its many successes, both in and out of the Senate.

In 1996, Senator THURMOND became the oldest person ever to serve in the Senate.

In 1997, he became the longest serving Senator.

In 1998, he became one of only three Senators, in addition to our colleague, Senator ROBERT BYRD, ever to cast 15,000 votes in this Senate.

In addition, Senator THURMOND has served as a senator in the South Carolina State Legislature and as Governor of that great State. He has been a senior member of both the Democratic and

Republican parties and a Presidential candidate of a third party. There is not another American, living or dead, who can make that claim.

He has also served our country in uniform. Senator THURMOND entered the U.S. Army for the first time in 1924. Twenty years later, he volunteered for service in World War II, and on June 6, 1944, at the age of 43, he took part in the first wave of the D-Day invasion, the airdrop of American troops on Normandy Beach.

I am told that Senator THURMOND wanted to parachute into Normandy Beach, but another officer who clearly did not know with whom he was dealing, decided Senator THURMOND was too old to jump out of an airplane. So Senator THURMOND piloted a glider instead, landing, with the rest of his company, behind enemy lines.

Senator THURMOND is today a retired major general in the Army Reserves, the President pro tempore Emeritus of the Senate, a member of the South Carolina Hall of Fame, and a recipient of more honors and awards than any of us can name, including the prestigious Presidential Medal of Freedom.

Simply said, we will never see another like him.

I join my colleagues this morning in our heartfelt expression of gratitude to Senator THURMOND for his decades of service. We wish him, his family, and staff our very best in his future, whatever life may hold beyond the 107th Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, today the Senate takes time to celebrate the life and career of one of its most outstanding Members who, though always a loyal son of South Carolina, has become, indeed, a nation's treasure. It is not enough to say Senator STROM THURMOND has lived his life well. It has been an extraordinary life.

Again and again today, we will hear points made about various accomplishments in his life. Senator DASCHLE has already noted many of them, but there is so much that can be said about this particular Senator that words are almost inadequate.

As I was thinking about him over the weekend, I thought about his life and what he has done and what he has seen and the little acts he does on a human personal basis.

First, when one thinks about it, his is a life that has included being an educator, a judge, a soldier, yes, a general, Governor, a Presidential candidate—in fact, when I was 7 years old, Senator THURMOND was already running for President and carried my State as well as four others, I believe—and a U.S. Senator where he has served so admirably as chairman of the Judiciary Committee, chairman of the Armed Services Committee, and President pro tempore.

I remember in my first couple of years in the Senate, Senator THURMOND