

decides they want to try to disrupt the process, they can. This is not an extreme proposal. It is a compromise. It has dealt with many of the issues that have been raised, from the appropriations issue Senator BYRD raised to numerous other issues discussed. I hope we will today begin the process that will quickly allow us to pass this bill. I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Gramm-Miller amendment No. 4738 to H.R. 5005, the Homeland Security legislation:

Harry Reid, Ben Nelson of Nebraska, Hillary Rodham Clinton, Debbie Stabenow, Mark Dayton, Patrick Leahy, John Breaux, Tom Carper, Tom Daschle, Byron L. Dorgan, Jack Reed, Jim Jeffords, Tim Johnson, Mary Landrieu, Max Baucus, Daniel K. Inouye.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Gramm amendment No. 4738 to H.R. 5005, an act to establish the Department of Homeland Security, shall be brought to a close? The yeas and nays are required under rule XXII.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

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

The yeas and nays resulted—yeas 89, nays 8, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—89

Akaka	DeWine	Levin
Allard	Dodd	Lieberman
Allen	Domenici	Lincoln
Barkley	Dorgan	Lott
Baucus	Durbin	Lugar
Bayh	Edwards	McCain
Bennett	Ensign	McConnell
Biden	Enzi	Mikulski
Bingaman	Feinstein	Miller
Bond	Fitzgerald	Murkowski
Brownback	Frist	Murray
Bunning	Graham	Nelson (FL)
Burns	Gramm	Nelson (NE)
Campbell	Gregg	Nickles
Cantwell	Hagel	Reid
Carnahan	Hatch	Roberts
Carper	Hollings	Rockefeller
Chafee	Hutchinson	Santorum
Cleland	Hutchison	Schumer
Clinton	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Johnson	Smith (NH)
Conrad	Kerry	Smith (OR)
Craig	Kohl	Snowe
Crapo	Kyl	Specter
Daschle	Landrieu	Stabenow
Dayton	Leahy	Stevens

Thomas Thompson	Thurmond Voinovich	Warner Wyden
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NAYS—8

Boxer	Feingold	Reed
Byrd	Jeffords	Sarbanes
Corzine	Kennedy	

NOT VOTING—3

Harkin	Helms	Torricelli
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The PRESIDING OFFICER (Mr. EDWARDS). On this vote, the yeas are 89, the nays are 8. Three-fifths of the Senate duly chosen and sworn having voted in the affirmative, the motion is agreed to.

HOMELAND SECURITY ACT OF 2002—Resumed

The PRESIDING OFFICER. The clerk will report the bill.

The assistant 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.

Gramm/Miller Amendment No. 4738 (to Amendment No. 4471), of a perfecting nature, to prevent terrorist attacks within the United States.

Nelson (NE) Amendment No. 4740 (to Amendment No. 4738), to modify certain personnel provisions.

Daschle motion to commit the bill to the Committee on Governmental Affairs and that it be reported back forthwith with the pending Lieberman Amendment No. 4471, listed above, as amended.

Daschle Amendment No. 4742 (to the instructions of the motion to commit H.R. 5005 to the Committee on Governmental Affairs) of a perfecting nature, to prevent terrorist attacks within the United States.

Daschle Amendment No. 4743 (to Amendment No. 4742), to modify certain personnel provisions.

The PRESIDING OFFICER. Cloture having been invoked, the pending motion to recommit falls.

The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I move to table the pending Lieberman amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. It appears there is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. The Senator from West Virginia could not hear the motion. Would the Chair get order? Let's hear the motion again.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. If we can't do this, I will suggest the absence of a quorum.

The PRESIDING OFFICER. The Senate will be in order. Senators will take their conversations to the cloakrooms.

The Senator from West Virginia.

Mr. BYRD. I would just like to hear what the motion was.

The PRESIDING OFFICER. The Senator from Tennessee has moved to table the Lieberman substitute. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

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

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—50

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

NAYS—47

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

NOT VOTING—3

Harkin	Helms	Torricelli
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The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT REQUEST

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H.R. 4546, the Department of Defense authorization bill; that there be 75 minutes equally divided and controlled by Senators LEVIN and WARNER or their designees; that upon the use or yielding back of the time with no intervening action or debate the Senate proceed to vote on the adoption of the conference report; that upon the adoption of the conference report and the Senate resuming consideration of H.R. 5005, Senator THOMPSON be recognized to offer a substitute amendment; that immediately upon the reporting of the Thompson amendment Senator LIEBERMAN be recognized to offer an amendment to the Thompson amendment; and, following that, Senator

FEINGOLD be recognized to offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object—

Mr. REID. I added to the unanimous consent request, which the minority leader did not have a chance to review, that Senator FEINGOLD be recognized following the Thompson amendment, which, as I understand it, deals with the cost-of-living increase.

Mr. GRAMM. Mr. President, maybe something could be worked out, but that was not part of the agreement that we had sent over. On that basis, I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. The Senator is absolutely right. I only did that to get approval on our side, and I should have checked with the Senator first. I apologize.

Does the Senator from Texas only object to the Feingold part of the unanimous consent?

Mr. GRAMM. Mr. President, if the distinguished Democratic floor leader will yield, we had met and canvased our Members on the original agreement that we had reached. That agreement entailed bringing up the Defense authorization bill, having a 75-minute time limit on it, voting on it, and then having Senator THOMPSON be recognized to offer the Gramm-Miller substitute. Subsequently, the Senator from Nevada made a change in that agreement which has not been canvased on my side. So I am required to object to the unanimous consent request as the Senator has changed it. But the original one we would stand ready to accept.

Mr. REID. The Senator is absolutely right. Standard procedure around here is to check with the other side. I did not do that. I apologize for that.

Would the Senators agree that we could go do the first part of this unanimous consent request; that is, that we would go to the Department of Defense authorization conference report and have 75 minutes of debate on that? And, of course, following the disposal of that, Senator DASCHLE or Senator LOTT or the two managers of the bill would have the first right of recognition. I am sure that would accomplish the same thing anyway.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report to accompany H.R. 4546, the Department of Defense authorization bill; that there be 75 minutes of debate equally divided and controlled between Senators LEVIN and WARNER; that following disposition of that matter, the Senate proceed to vote on the adoption of the conference report; that upon adoption of the conference report, we return to the consideration of H.R. 5005, which would be the regular order anyway.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, reserving the right to object—and I shall not—could we be more explicit as to whether or not we believe there should be a recorded vote because that is a time element. At this point, I think I would speak. We want to convenience the leadership in the expediting of the matters before the Senate. I do not know if there has been a request for a recorded vote because you are looking at 30 minutes for that probably. I just make that clarification.

Mr. REID. We have been told that on your side there is a vote required.

Mr. WARNER. OK.

I thank the Chair.

Mr. REID. I say to my friend from Wisconsin, the Senator from Wisconsin is not in any way jeopardized with anything in the first part of this unanimous consent request. If we can go to the Defense Department authorization conference report, H.R. 5005 reappears automatically anyway.

Mr. FEINGOLD. Mr. President, I object to this request.

The PRESIDING OFFICER. Objection is heard.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, if there would be an understanding that my amendment would follow this process as a separate agreement, I would be happy to lift my objection.

Mr. REID. Mr. President, as I said to my friend from Wisconsin, I will do what I can to make sure he has an opportunity to offer an amendment. I cannot guarantee that. I can only do that with a unanimous consent request.

AMENDMENT NO. 4900

(Purpose: To provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2003)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 4900.

At the appropriate place in the bill insert the following sections:

SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2003.

Mr. FEINGOLD. Mr. President, my amendment is very straightforward. It would eliminate the roughly \$5,000 pay raise scheduled to go into effect next January for Members of Congress.

Put simply, this is the wrong time for Congress to give itself a pay hike.

Our economy is still recovering from the recent slowdown. The financial markets have been rocked, wiping out a chunk of the life savings and retirement accounts of many families. Thousands of workers who were laid off have not returned to work, and families face increasing financial pressures.

Our budget is, once again, back in deficit. Even under the most optimistic scenarios, we are facing serious budget deficits for many years to come. The on-budget deficit for the fiscal year that just ended on September 30 is well over \$300 billion, and the Office of Management and Budget projects deficits totaling over one trillion dollars over the next five years.

In fact, the Federal Government is spending all of the Social Security Trust Fund surpluses, and then some, something we should do only to meet the most critical national priorities.

A pay raise of nearly \$5,000 for Members is not a critical national priority.

Nor can one argue that this pay raise is justified because Members have not had one in a while. This is the fourth pay raise in as many years. On January 1, 2000, Members received a \$4,600 pay raise. On January 1, 2001, Members received a \$3,800 pay raise. On January 1, 2002, Members received a \$4,900 pay raise. And unless we stop it, this coming January, Members will receive a \$4,700 pay raise.

That will mean that, as of this coming January, Members will have received four consecutive pay hikes totaling \$18,000—\$18,000 per year.

That is more than the average annual Social Security benefit for a retired worker and spouse. It is more than the average annual Social Security benefit for a disabled worker, spouse, and child. It is more than someone working minimum wage can make in a year and a half.

This automatic, stealth, pay raise system is absolutely wrong. It is an unusual thing to have the power to raise our own pay. Few people have that ability. Most of our constituents do not have that power.

That this power is so unusual is a good reason for the Congress to exercise that power openly, and to exercise it subject to regular procedures that include debate, amendment, and a vote on the record.

That is why this process of pay raises without accountability must end. It is offensive. It is wrong. And I believe it may be unconstitutional. The 27th Amendment to the Constitution states:

No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened.

I recognize that some of our colleagues may feel they deserve a pay raise. I certainly respect that position. Last year, a colleague said to me that Members deserved a pay increase because of all that we had been through. Again, I strongly disagreed with that assessment last year, but I understood the sentiment.

But even those who favor a pay hike should support voting for it on the record. Certainly, having an open and public vote on the record for a pay hike is better than the stealth pay raise that takes place with no action.

Standing up and making the case before the public is far better than quietly letting the pay raise take effect.

We really should scrap the current stealth pay raise system, and I have introduced legislation to stop this practice. But the amendment I offer today does not go that far. All it does is to stop the pay raise that is scheduled to go into effect in January—the fourth pay raise in four years.

Let's stop this backdoor pay raise, and then let's enact legislation to end this practice once and for all.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I move to table the Feingold amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be 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 Missouri (Mrs. CARNAHAN), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Idaho (Mr. CRAIG) are necessarily absent.

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

The result was announced—yeas 58, nays 36, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—58

Akaka	Dodd	Lugar
Allen	Domenici	McConnell
Barkley	Durbin	Mikulski
Bennett	Enzi	Murkowski
Biden	Feinstein	Nelson (NE)
Bingaman	Frist	Nickles
Bond	Graham	Reed
Boxer	Gramm	Reid
Breaux	Gregg	Rockefeller
Burns	Hagel	Santorum
Byrd	Hatch	Sarbanes
Campbell	Hollings	Shelby
Cantwell	Inhofe	Stevens
Carper	Inouye	Thomas
Chafee	Jeffords	Thompson
Cochran	Kohl	Thurmond
Conrad	Kyl	Voinovich
Crapo	Levin	Warner
Daschle	Lieberman	
Dayton	Lott	

NAYS—36

Allard	Dorgan	Landrieu
Baucus	Edwards	Leahy
Bayh	Ensign	Lincoln
Brownback	Feingold	McCain
Bunning	Fitzgerald	Miller
Cleland	Grassley	Murray
Clinton	Hutchinson	Nelson (FL)
Collins	Hutchison	Roberts
Corzine	Johnson	Schumer
DeWine	Kerry	Sessions

Smith (NH)	Snowe	Stabenow
Smith (OR)	Specter	Wyden

NOT VOTING—6

Carnahan	Harkin	Kennedy
Craig	Helms	Torricelli

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FISCAL YEAR 2003—CONFERENCE REPORT

Mr. REID. I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H.R. 4546, the Department of Defense authorization bill; that there be 75 minutes of debate equally divided and controlled between Senators LEVIN and WARNER or their designees; that upon the use or yielding back of time, without any intervening action or debate, the Senate proceed to vote on adoption of the conference report; that upon adoption of the conference report, Senator SANTORUM be recognized to offer a unanimous consent request; and that following the disposal of that, the Senate resume consideration of H.R. 5005, with Senator THOMPSON recognized to offer a substitute amendment; and immediately upon the reporting of the Thompson amendment, Senator LIEBERMAN be recognized to offer an amendment to the Thompson amendment.

Mr. NICKLES. Reserving the right to object—and I shall not object—is it the assistant Democratic leader's intention to have a rollcall vote on the DOD authorization?

Mr. REID. We had a request from that side of the aisle to have the rollcall vote.

We do not have a rollcall vote request.

Mr. NICKLES. To my knowledge, that request has been withdrawn.

For the information of our colleagues, it may well be possible to pass the Department of Defense authorization bill by a voice vote.

Mr. REID. That sounds good. We have a number of Senators who have other things to do. That would be helpful.

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

The clerk will report the conference report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 5010), to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, having met, have agreed that the Senate recede from its disagreement to the amendment of the House, and agree to the

same with an amendment, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report is printed in the House proceedings of the RECORD of November 12, 2002.)

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I yield myself 10 minutes.

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

Mr. LEVIN. Madam President, we are pleased to bring to the floor the conference report on the Bob Stump National Defense Authorization Act for Fiscal Year 2003. The conference report would not have been possible without the dedicated work, over many months, of the members of our committee on both sides of the aisle, particularly our subcommittee chairmen and ranking members who bore the brunt of the workload in bringing this bill to this point.

I particularly thank my dear friend and colleague, Senator WARNER, the ranking minority member, soon to be chairman of the Armed Services Committee, for the absolutely essential role he has played throughout this process. Right up to the last minute, we were not sure we would get a bill. Senator WARNER was able to help us accomplish that and get us to that goal line that we finally think we will cross. I thank him for that.

Mr. WARNER. It was a team effort, Madam President. I thank my distinguished chairman.

Mr. LEVIN. This conference report is named after Congressman BOB STUMP, who will be retiring, in honor of all the work he has done, for the dedication of his entire congressional career supporting our men and women in uniform. The bill is deservedly named in his honor. Of course, IKE SKELTON on the House side, the ranking member of the House Armed Services Committee, made an absolutely essential contribution as well.

Last month, we passed H.J. Res. 114 that authorized the President to use the Armed Forces of the United States as he determines to be necessary and appropriate to defend the national security of the United States against the continuing threat posed by Iraq and to enforce all relevant U.N. Security Council resolutions in that regard.

It has been widely reported that the United States has already started the prepositioning of forces and supplies in anticipation of possible military action against Iraq in accordance with this resolution. As we stand poised on the brink of possible military action, hopefully action that will not be necessary but nonetheless possible military action, this bill will provide the men and women in uniform with the tools they need and the pay and benefits they deserve.