

balanced approach to legislation will be missed on our committee, and her good and gentle nature will be missed by every Member of this body.

Finally, Senator BOB SMITH and Senator TIM HUTCHINSON were key members of our committee.

I take this opportunity to recognize the contribution that Senator BOB SMITH has made to the work of the Armed Services Committee and the national security of this country over his 12 years of service on this Committee.

Most recently Senator SMITH has served as both the Chairman and Ranking Member of our Strategic Subcommittee where he was a strong advocate of national security space programs, ballistic missile defense programs, and the modernization of our strategic nuclear triad. He did not limit his work on the Committee to the work of one or two subcommittees, however. He made it a point to involve himself in the whole range of issues that came before the Committee and the Committee's deliberations and conclusions were always improved by his involvement. This past year for example, he worked very hard on the issue of concurrent receipt for our deserving veterans.

Every member of the Armed Services Committee will miss Senator SMITH's thoughtful advice and collegial approach to national security issues in the next Congress.

I would also like to take this opportunity to recognize and thank Senator HUTCHINSON for his service on the Armed Services Committee for the last 6 years. In particular, I would like to recognize his service as Chairman and Ranking Member of the Personnel Subcommittee.

Senator HUTCHINSON demonstrated great leadership in helping our military recruiters. He was a major player in enacting TRICARE for Life, significantly increasing the pay of our troops, and reducing the out-of-pocket housing expenses for military personnel not able to live on a military installation. In response to requests for help from enlisted recruiters, he initiated legislation that ensures that military recruiters have the same access to secondary school students as is provided to colleges, universities, and other potential employers.

Our service members and our Nation have greatly benefitted from Senator TIM HUTCHINSON's service here in the Senate on the Armed Services Committee. We thank him.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent to make a few remarks about Senators SMITH and HUTCHINSON.

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

Mr. SESSIONS. I join with Senator LEVIN in his high compliments of Senators CLELAND and CARNAHAN. Both have served this committee exceedingly well.

BOB SMITH is a true American patriot. He loves his country. He served in the Navy. He was a history teacher. He came down here with a "Mr. Smith Comes to Washington" view of the highest possible values he could bring to bear. He loved the Defense Department. He gave it extraordinary interest. He was a top leader in national missile defense and high technology defense. He was a leader on the Strategic Subcommittee and chaired it for a number of years.

He was a champion for lost POWs. No Senator in this body spent more time and effort fighting to make sure every single prisoner of war of the United States was recovered or we knew about. He led on the Mike Speicher case, the missing pilot in Iraq.

TIM HUTCHINSON came in with me. I love TIM and watched him lead in this body year after year. He was a tremendous contributor to the Armed Services Committee. He chaired the Personnel Subcommittee. In that subcommittee, he fought hard to improve the pay, benefits, and living conditions of our men and women in uniform. He also fought successfully to break down the barriers where some of our colleges would not let military recruiters come on campus to recruit. He led a tough battle to change some of those laws.

He was a leader, as was Senator SMITH, in the concurrent receipt battle to make sure our veterans who have been injured and disabled received better compensation.

I thank Senator LEVIN for mentioning these Senators at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, as Senator WARNER did, I add my thanks to our staffs: David Lyles, chief of staff on the Democratic side; Judy Ansley, taking the same responsibility on the Republican side. We are deeply in debt to them and to their entire crew which works with them.

Without our staffs, needless to say, we could not even come close, not just procedurally, not just mechanically, to accomplishing this goal of a conference report, but also for the wisdom, the advice they give us on substantive issues as well which is so important to us.

I don't know of anybody else who wants to speak. I don't know of a request for a roll call. I yield the floor and hope we can adopt the conference report.

The PRESIDING OFFICER. Is there further debate on the conference report?

If not, the question is on agreeing to the conference report.

The conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

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. Without objection, it is so ordered.

Mr. REID. Mr. President, what is the business now before the Senate?

#### HOMELAND SECURITY ACT OF 2002—Continued

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

Mr. REID. Mr. President, I appreciate that. I noted previously that Senator SANTORUM was going to be recognized after we disposed of the Defense authorization bill. Senator SANTORUM, due to the fact we are having a ceremony for Senator Wellstone at 7 o'clock, agreed to do that after we bring up the port security legislation tomorrow, after that vote. Everyone should expect Senator SANTORUM to offer a unanimous consent request at that time dealing with the CARE Act.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

#### AMENDMENT NO. 4901

Mr. THOMPSON. Mr. President, on behalf of Senators GRAMM, MILLER, VOINOVICH, and myself I call up an amendment that is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON], for Mr. GRAMM, for himself, Mr. MILLER, Mr. THOMPSON, Mr. BARKLEY, and Mr. VOINOVICH, proposes an amendment numbered 4901.

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

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized.

#### AMENDMENT NO. 4902 TO AMENDMENT NO. 4901

Mr. LIEBERMAN. I thank the Chair. Mr. President, I have an amendment which I send to the desk on behalf of Senator McCain and myself.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Mr. McCain, and Mr. NELSON of Nebraska, proposes an amendment numbered 4902 to amendment No. 4901.

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

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

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

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

#### CLOTURE MOTION

Mr. THOMPSON. Mr. President, I send a cloture motion to the desk to the pending substitute amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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 substitute amendment No. 4901 for H.R. 5005, the Homeland Security legislation.

John Breaux, Ben Nelson of Nebraska, Larry E. Craig, Jon Kyl, Mike DeWine, Don Nickles, Craig Thomas, Rick Santorum, Trent Lott, Fred Thompson, Phil Gramm, Pete Domenici, Richard G. Lugar, Olympia J. Snowe, Mitch McConnell.

The PRESIDING OFFICER. The Senator from Tennessee.

#### CLOTURE MOTION

Mr. THOMPSON. Mr. President, I now send a cloture motion to the desk to the pending bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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 Calendar No. 529, H.R. 5005, the Homeland Security legislation.

John Breaux, Ben Nelson of Nebraska, Larry E. Craig, Jon Kyl, Mike DeWine, Don Nickles, Craig Thomas, Rick Santorum, Trent Lott, Fred Thompson, Phil Gramm, Pete Domenici, Richard G. Lugar, Olympia J. Snowe, Mitch McConnell.

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

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

Mr. BYRD. Mr. President, what is the legislative situation in the Senate at this moment?

The PRESIDING OFFICER. There is a pending Lieberman second-degree amendment to the Thompson first-de-

gree amendment to H.R. 5005. Cloture motions have been filed on the Thompson amendment and on the bill itself.

Mr. BYRD. So two cloture motions have been filed?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. And in order of precedence, which is the first?

The PRESIDING OFFICER. The first cloture motion is on the Thompson amendment.

Mr. BYRD. And the second is on the—

The PRESIDING OFFICER. On the underlying bill.

Mr. BYRD. The underlying bill being House bill 5005.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. I thank the Chair. I have nothing further. I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

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

#### INDEPENDENT COMMISSION TO INVESTIGATE SEPTEMBER 11 ATTACKS

Mr. MCCAIN. Mr. President, the legislation Senator LIEBERMAN and I introduced last year to create an independent commission to investigate the September 11 attacks passed the Senate as an amendment to the homeland security bill by a vote of 90 to 8 in September. Days before the vote, the administration issued a letter supporting the creation of an independent commission. But Congress is about to adjourn without having done so, to get it done.

The agreement that was reached on the homeland security bill is a welcome development and will make our Nation more secure. But the agreed text does not include our independent commission proposal, despite an overwhelming Senate vote in September and despite its previous inclusion in both the Lieberman and Gramm-Miller bills.

I believe President Bush and his team have responded admirably and with a sense of purpose to the terrorist attacks, and the joint intelligence committee investigation into the associated intelligence failings has added to our understanding of what went wrong. But neither the administration nor Congress is alone capable of conducting

a thorough, nonpartisan, independent inquiry into what happened on September 11, or to propose far-reaching measures to protect our people and our institutions against such assault in the future.

To this day, we have little information on how 19 men armed with boxcutters could have so effectively struck America. After every other such tragedy in our Nation's history, like Pearl Harbor and President Kennedy's assassination, independent investigations were immediately appointed to examine what went wrong and recommend needed reforms to prevent such tragedies from happening again. There has been no such review since September 11.

This is what our proposed commission would do. Its goal would be to make a full accounting of the circumstances surrounding the attacks, including how prepared we were, and how well we responded to this unprecedented assault. The commission would also make comprehensive recommendations on how to protect our homeland in the future. It would examine not just intelligence but the range of Government agencies and policies, from border control to aviation security to diplomacy.

Learning the lessons of September 11 will require asking hard questions. It will require digging deep into the resources of the full range of Government agencies. It will demand objective judgment into what went wrong, what we did right, and what else we need to do to deter and defeat depraved assaults by our enemies in the future.

No such review has occurred to date. Passage of the homeland security legislation is a good start to making needed reforms, but to some extent we are flying blind in our efforts to reform our approach to homeland defense because we still do not know what parts and policies of the Government failed the American people last September 11.

We do know, thanks to press leaks and the work of the joint intelligence committee, that significant failures occurred.

The chairman and ranking member of the Senate Intelligence Committee have suggested we might have prevented the September 11 attacks had we properly analyzed available information. They strongly support our independent commission legislation to carry on the work their joint intelligence investigation started. Together with Senators BOB GRAHAM and DICK SHELBY, we have been negotiating intensively with the White House and remain hopeful we might reach an agreement with them to create a commission, but we believe Congress must speak on this issue.

The families of September 11 will not rest until they have answers about how their Government let them down and what we can do to make sure such tragedy never strikes America again. This is not a witch hunt. It is a search for the answers that will enable us to