

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

better protect our Nation against future attack by terrorists. It is about the future, not the past. It is worthy of the strong bipartisan support it has already received. I urge my colleagues to support this amendment.

I want to thank my friend from Connecticut for his efforts on behalf of this commission. I want to thank him for his efforts on behalf of the families, and I want to thank the White House for their continued negotiations. It is time we wrapped up these negotiations so this commission can be part of the Homeland Security bill.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my dear friend from Arizona for his strong statement, for joining me in introducing this amendment, and for his characteristic steadfastness in pursuit of an important cause regardless of the opposition and where it comes from.

He and I introduced legislation last December. We are approaching a year ago. It was a few months after the tragic attacks of September 11. We felt there should be an independent citizen commission, nonpartisan, with full powers of subpoena and adequate resources to investigate how could September 11 have happened, because clearly the fact it did happen said we were not adequately protecting the American people. We were insistent that this kind of investigation occur so we could learn how to prevent it from ever happening again.

There have been roadblocks along the way, but we have continued to state, and we state again, we are not going to give up this fight until such an independent commission is created because we cannot rest until the truth and the whole truth, so help us God, as best as anyone is able to find it, is determined about September 11. Because without that unlimited, unvarnished, uninhibited truth, we are not going to be able to inform this new Department of Homeland Security adequately.

This measure of ours passed the Senate earlier this year when we were considering the Homeland Security measure. It passed overwhelmingly with bipartisan support. In fact, the so-called Gramm-Miller substitute incorporated this provision, which I was very grateful to Senator GRAMM and Senator MILLER for doing, and Senator MCCAIN was a great advocate for that cause.

In the substitute introduced by Senator THOMPSON, in coordination with the White House and the House, the commission proposal is not in it, and that is not acceptable. Senator MCCAIN has said happily we continue to negotiate with the White House up until this moment, hopeful that an agreement can be secured that will create the aggressive, independent, non-political commission this tragedy requires. But if it is not, and we have not reached an agreement yet, we are going to do everything we can to reinsert this commission into this Homeland Security bill where it belongs.

I think I can say for my friend from Arizona and myself if for some reason that does not work, we are going to keep introducing it wherever and whenever we think we can get a vote that will make it law. We owe this to the families of the September 11 victims.

I have met with them, as Senator MCCAIN has, several times. Their desire for this commission is in some ways the strongest and most compelling argument anyone can make on its behalf, because they asked us and they asked America, having lost loved ones, how could September 11 have happened? We owe them an answer to that question, and we have not given it to them yet.

As Senator MCCAIN said, the work by the Joint Intelligence Committee has revealed information, media investigations have revealed information, that only increases our understanding of how much more we need to know. The Senate coleaders of the Intelligence Committee, Senator GRAHAM and Senator SHELBY, are now strong supporters of this commission idea.

Going back to the families of the September 11 victims, I do want to say the persistent advocacy of these families, led by Steve Push, Kristen Breitweiser, Mary Fetchet, Beverly Eckert, and so many others, despite their great personal loss, has inspired not only my deep admiration but our continuing commitment to fight for this commission until it comes to fruition. We are not interested in pointing fingers. This is all about our common security, and improving it is our common responsibility.

I hope our colleagues will join us in supporting this amendment to the Homeland Security bill and restoring this provision to create an independent commission on September 11.

Mr. MCCAIN. Will the Senator yield?

Mr. LIEBERMAN. I yield to my friend.

Mr. MCCAIN. Will the Senator agree it is a bit surprising we have not been able to make greater progress on this commission since there was a recorded vote in the Senate of 90 to 8, and it was included in the Homeland Security bills prior to this latest iteration?

Again, I want to thank the White House for their active participation, but I hope that mandate would be felt by one and all. A 90-to-8 vote usually does not seem to have difficulty, at least from the Senate side, in becoming a part of legislation.

Interestingly, we do not find it in the Homeland Security bill. In the interest of straight talk, if there is a cloture vote and it is not in there at that time, then the amendment for a commission will fall because of nongermaneness, a situation which I do not think is really what was intended when we had a 90-to-8 vote on this issue in the Senate.

Mr. LIEBERMAN. The Senator from Arizona is quite right. He remembers the numbers exactly. It was a 90-to-8 vote—very strong bipartisan support for this idea. That support ought not be frustrated.

I have seen public opinion surveys that say it represents the desire and opinion, quite naturally, not just of the families of September 11 victims but of the American people. So while I join my friend from Arizona in expressing my gratitude that the White House has again today restarted negotiations to try to reach an agreement, I must say leaving this proposal for a commission out of this substitute that is now put in to create a Department of Homeland Security is inexplicable. I hope we can explain it by either putting it back in or coming to an agreement with the White House. It is that critical.

Mr. MCCAIN. Will the Senator yield for one more question?

Mr. LIEBERMAN. I would be glad to.

Mr. MCCAIN. Is it not true, from conversations with the families, that the families do not want this commission created by executive order because then it would not have the input of the legislative branch? And second of all, that other commissions in the past have all been created by acts of Congress, not by executive order? Is that the Senator's understanding?

Mr. LIEBERMAN. The Senator from Arizona again is correct. There have been some commissions created by other bodies. But the ones in the most important cases have been created by Congress. On the first point, which is a powerful point, it is the clear desire of the families of the victims of September 11 that this commission be created by Congress. We ought to create it. This was a national catastrophe.

As we create a Department of Homeland Security to protect the American people from that ever happening again, we ought to, as the representatives of all the people of this country, all of them in this terrible new era we have entered, potentially victims of terrorism—we, as their representatives, ought to say loudly and together, hopefully together with the administration, we can never know too much about how September 11 happened. We do not know enough now how September 11 happened. The one best way to know as much as we can of the truth about September 11 is to create a strong, non-political commission with full resources and powers of subpoena to get to the truth.

The day for this commission will come. The arguments for it are irresistible. Let us hope that day is sooner than later. I thank my friend from Arizona for his persistence and advocacy. Also, it is an honor to work with him. We will stand shoulder to shoulder with a lot of other Members, of both parties, of this body to get this commission created.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 5 minutes.

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

THE CONFIRMATION OF JOHNNY MACK BROWN TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF SOUTH CAROLINA

Mr. THURMOND. Mr. President, I am pleased that the Senate has confirmed Johnny Mack Brown to be United States Marshal for the District of South Carolina. Johnny Mack Brown is a man of outstanding character and is highly qualified to serve as a United States Marshal. He will serve our Nation well.

Johnny Mack has over 30 years' experience in law enforcement. In 1966, he went to work for the South Carolina Department of Probation, Parole & Pardon, serving as a probation officer. From there, he joined the Thirteenth Circuit Solicitor's Office and worked as an investigator for four years.

Mr. Brown's success soon provided him with opportunities to showcase his substantial leadership skills. In 1973, he became the director of the Municipal Offender Program at the Greenville City Municipal Court in Greenville, SC. From 1974 to 1976, he served as Director of the Pre-Trial Diversion Program in the Thirteenth Circuit Solicitor's Office.

After his time at the Solicitor's office, Johnny Mack decided to run for office himself. He was elected in 1976 as the Sheriff of Greenville County, SC. He was subsequently re-elected five times and served a total of 24 years as Greenville's beloved sheriff.

As sheriff, Johnny Mack Brown served with distinction. He proved himself to be a strong leader, and it is no wonder that he was elected to a total of six terms. There is no doubt that Johnny Mack Brown's constituents felt secure with him as their sheriff. The voters' repeated endorsement of Johnny Mack is a tribute to his skill and professionalism.

During his time as sheriff, Johnny Mack contributed to the State and national law enforcement community in various ways. For example, he has written numerous articles for law enforcement publications. These writings have dealt with topics such as the professionalizing of sheriff's offices, the use of information technologies, and the implementation of community programs for crime prevention.

Mr. Brown has also served in prominent leadership positions at both the state and national levels. In 1983, he served as President of the South Caro-

lina Sheriffs' Association. Ten years later, he was elected President of the National Sheriff's Association. Johnny Mack's selection to these prestigious positions is a testament to his capacity to lead others.

Johnny Mack Brown has also been the recipient of numerous awards. In 1990, the Lion's Club of Greenville awarded Johnny Mack the Distinguished Citizen Award, and in 1998, the Blue Ridge Council of the Boy Scouts of America awarded him another Distinguished Citizen Award. In 1999, the Pleasantburg Lion's Club named him as its Citizen of the Year. Johnny Mack Brown is also a 1993 recipient of the Order of the Palmetto, South Carolina's highest civilian award.

Johnny Mack Brown's law enforcement credentials and his leadership skills will serve him well as United States Marshal in the District of South Carolina. He is truly a deserving man who has striven to serve the public with honor and integrity for many years. He will be a very successful United States Marshal, and I am proud to see him confirmed.

TRIBUTE TO JESSE HELMS

Mr. CONRAD. Madam President, I take this opportunity to recognize the distinguished career of one of our retiring colleagues, the senior Senator from North Carolina, Senator HELMS.

Senator HELMS began his service in the U.S. Senate in January of 1973. When he retires at the end of this year, at the conclusion of his fifth term, he will have served the public as a U.S. Senator for a full 30 years. Those of us who have had the privilege of being a member of this institution understand well the commitment, hard work, dedication, and personal sacrifice that make such a record possible.

Senator HELMS' lengthy career in the Senate actually represented the continuation of an already notable and varied public life that included, among other things, service in the U.S. Navy from 1942 to 1945, senior staff positions under two U.S. Senators, two terms on the Raleigh, NC, City Council, and a host of leadership positions with civic, business, and educational organizations.

During our time in the Senate, I have come to know Senator HELMS best as a fellow member of the Committee on Agriculture, Nutrition, and Forestry. While on the Committee, he proved to be an outspoken and vigorous defender of those commodities, such as peanuts and tobacco, that are important to North Carolina's vital agricultural sector. But he has also shown himself to be a leader for all of U.S. agriculture, as when he chaired the Agriculture Committee during the period when Congress wrote the Food Security Act of 1985, otherwise known as the 1985 farm bill. That legislation is recognized even today for its groundbreaking commitment to keeping U.S. agriculture competitive in the

international marketplace through such programs as the Export Enhancement Program and the Targeted Export Assistance program—now the Market Access Program—and for its landmark provisions in support of natural resource conservation, such as the Conservation Reserve Program.

When I think of Senator HELMS as a person, two characteristics stand out. First and foremost, I think of him as a gentleman always, one who gives current meaning to an old-fashioned term: courtly. Refined in his manners and respectful toward others, he brings a Southern charm and grace to all that he does, and a civility to political discourse that sadly is too often lacking today.

Second, he has displayed even in the twilight of his career an openness and a tolerance toward others who hold views that he may not always have shared. In that respect, he has displayed a capacity for growth and understanding that should serve as an inspiration to the rest of us.

I know that I am joined by all of my colleagues in wishing Senator HELMS and his wife Dorothy a long restful, and fulfilling retirement together in North Carolina.

PASSAGE OF S. 1868

Mr. BIDEN. Madam President, I am pleased the Senate passed S. 1868 by unanimous consent on October 17, along with a Biden-Thurmond substitute. Enactment of this measure will make our children safer, and I rise today to explain several of the bill's provisions.

Today, 87 million of our children are involved in activities provided by child and youth organizations which depend heavily on volunteers to deliver their services. Millions more elderly and disabled adults are served by public and private service organizations. Organizations across the country, like the Boys and Girls Clubs, often rely solely on volunteers to make these safe havens for kids a place where they can learn. The Boys and Girls Clubs and others don't just provide services to kids, their work reverberates throughout our communities, as the after-school programs they provide help keep kids out of trouble. This is juvenile crime prevention at its best, and I salute the volunteers who help make these programs work.

Unfortunately, some of these volunteers and employees come to their jobs with less than the best of intentions. According to the National Mentoring Partnership, incidents of child sexual abuse in child care settings, foster homes and schools ranges from 1 to 7 percent. Organizations have tried to weed out bad apples, and today most conduct background checks on applicants who seek to work with children. Unfortunately, these checks can often take months to complete, can be expensive, and many organizations do not have access to the FBI's national fingerprint database. These time delays