

The amendment is as follows:

On page 21, line 24, Insert the following after the semicolon: "of which \$750,000 is to conduct an independent and comprehensive management, operational, performance, and financial review of Yellowstone National Park:".

Mr. BURNS. Mr. President, this amendment earmarks funds for a comprehensive financial study of the operations of the Yellowstone National Park. Given that this piece of Yellowstone Park lies in my own State of Montana, I am very familiar with the park and the issues that concern the Senator from Wyoming. I support this amendment and understand it has been cleared on both sides.

Basically what this amendment does, it gives a little extra money to look into the books and the financial situation at the park. We have heard some disparaging stories. The way we take care of those, as the saying goes, is to look into it. It is going to take a little money to do that.

Mr. THOMAS. Mr. President, recently ABC ran a series of stories about the National Park Service and discussed the \$4.9 billion backlog of deferred maintenance nationwide in our National Park System. One segment mentioned that some operations and park programs may need to be curtailed or discontinued as a result of budget shortfalls at Yellowstone National Park.

To be absolutely fair, over the past few years both Senator BYRD and Senator BURNS have been very generous to the National Park Service and to Yellowstone in particular.

Yellowstone is the world's first national park, created in 1872, and one of the biggest. It stretches across volcanic plateaus in northwest Wyoming and into southern Montana and Idaho, and contains more than 2 million acres of geysers, lakes, waterfalls, forests, bison, bears, and tourists. But more than that, Yellowstone is very rich in cultural, historical and natural resources, and in fact, represents—in one part—the multiple facets of park operations and programs found in the individual 285 units of the System.

My amendment would use Yellowstone as a demonstration project for business transformation. The National Park Service depends upon several sources of revenue to sustain operations and modernize facilities, including but not limited to, appropriations, fee income and revenue from concessioners, lease holders and permittees. These funding sources need to be managed in the most cost-effective and efficient manner possible to ensure improvement of services to the park visitor and for the protection of natural and cultural resources. Toward this end, I believe that improved state-of-the-art business practices need to be established in the National Park Service.

This amendment would require the Secretary of the Interior to contract for an independent and comprehensive

management, operational, performance, and financial review of Yellowstone National Park. As I have already stated Yellowstone National Park has a wide range of a natural and cultural resources, programs and visitor services and provides an optimal environment in which to identify and make recommendations for improved management and operational practices that can be proliferated throughout the National Park Service and transform management to provide cost-effective, efficient and responsive programs. I know, the lessons that we will learn from Yellowstone will have application to the rest of the units within the System. I would suggest that the eventual cost savings, redirection of expenditures, and cost efficiencies will more than pay for the cost of this study.

We all are aware that there is a backlog of maintenance, and Congress has attempted to address the situation. But, I have to say that throwing money at the problem does not guarantee that there will not be a deferred maintenance backlog ten years from now. Unfortunately, we have never systematically evaluated the management programs that contributed to the backlog in the first place.

I believe this is a compelling need to establish new and better modern business practices within the National Park Service. With the passage of this amendment we can take advantage of the expertise that the private business sector has to offer so that we can redirect funds to address the backlog where we can, and more importantly, ensure that measures are taken to prevent a re-occurrence of programs and policies which led to the backlog we face today. I believe we can achieve these goals while maintaining important park program and operations.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 4529) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, we have nothing further to bring before the Senate at this time.

Mr. BURNS. Mr. President, I see no one else seeking recognition. I would suggest we recess the Senate for the party caucuses.

Mr. REID. There is already an order in effect.

Mr. BURNS. I move we recess under the previous order.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:36 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

HOMELAND SECURITY ACT OF 2002—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

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.

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

Mr. FEINGOLD. Mr. President, I commend the chairman of the Governmental Affairs Committee, Senator LIEBERMAN, for recognizing early on that a major government reorganization should be considered in light of the tragic events of September 11th and for his leadership in putting together a basic structure for a new Department of Homeland Security. I also praise President Bush for supporting the existing congressional effort to elevate the authority and the status of the Office of Homeland Security to a Cabinet level position that will be responsive to the needs of the American people.

As we approach the anniversary of September 11th, Congress has been diligently working to insure that America has a Department of Homeland Security that can be responsive to the challenges of the post September 11th world. The Senate has spent the past few months exploring the bureaucratic obstacles that limited our capacity to identify and prevent the terrorist attacks of September 11th. We have considered in hearings whether the steps that have been taken to advance our country's safety and security since September 11 have been effective, and whether they adequately protect our most fundamental civil liberties.

The Congress has always responded to the challenge to protect this nation against any and all threats, including terrorism. I am committed to ensuring that as we build this new agency, we do so in manner that guarantees that basic fundamental rights are not lost or forgotten in a rush to be seen as doing something.

As the Senate moves forward in considering this new government structure, I have been guided by two simple questions: Will this reorganization make all of us safer? And will it preserve our liberties as Americans? That inquiry should continue to guide our consideration for a Department of Homeland Security.

So as we move forward toward establishing a Department of Homeland Security, it is important for all of us to examine and discuss both the strengths and weaknesses of the pending proposal.

All of us know that local law enforcement stands at the front line for security in our neighborhoods and communities. The new Department should be organized in a manner that helps and doesn't hinder local law enforcement. The Department of Homeland Security needs to insure that federal, state and local law enforcement work together with the necessary information, tools and resources that are required to adapt and respond to the evolving challenges our first responders are facing.

I am pleased that my bill, the First Responder Support Act, is part of the present proposal we are now discussing. I certainly want to thank my colleague from Maine, Senator COLLINS, for her work in making our responsibility to first responders a priority in this bill.

The First Responder Support Act will help first responders get the information and training they need from the Department of Homeland Security. I am also introducing the First Responder Communication Support Act to help communities who need communication systems to enable police, fire, EMS, and relief agencies to speak to one another in a time of crisis without overwhelming existing communication lines. Whether people face an act of terrorism or a tornado, in a time of emergency our first responders need to be able to communicate with one another.

I am also concerned about our efforts to protect the public from the use of weapons of mass destruction. The emerging chemical and biological weapons of the 21st century present new challenges to our military and to local first responders. The Weapons of Mass Destruction Civil Support Teams play a vital role in assisting local first responders in investigating and combating these new threats. The September 11 terrorist attacks emphasize the need to have full-time teams in each State.

I have filed an amendment that would require the Secretary of Defense to establish at least one Weapons of Mass Destruction Civil Support Team in each State by September 30, 2003. The cost of establishing, training, equipping, and operating these new teams would be paid for from existing fiscal year 2003 Department of Defense resources, thus requiring no additional spending while providing a critical level of protection. As we rethink the security needs of our country, we should support the creation of an additional 23 full-time Weapons of Mass Destruction Civil Support Teams. Establishing these additional full-time teams will improve the overall capacity and capability to prepare for and respond to potential threats in the future. I look forward to working with Chairman LEVIN and Chairman LIEBERMAN on this effort.

We must remember that not every law enforcement purpose makes sense. The administration's proposal to create the TIPS program appears to be a way to begin domestic Government surveillance in our communities with a motto not of "love thy neighbor" but "spy on thy neighbor." I am concerned that if some trained police officers have a difficulty distinguishing between the proper and improper use of race in law enforcement activities, we are asking for real trouble if we ask untrained and fearful "citizen" volunteers to report on their neighbors.

Workers in the Department of Homeland Security who will have the awesome responsibility of protecting us should have the basic job protection their fellow Federal workers are granted. No one, including the President, has shown how simple and basic job security will jeopardize our national security. I believe we can protect our country at the same time that we protect our workers. In fact, we can better protect our country if our workers' rights are well-protected, too.

I am concerned that the administration appears ready to use the creation of a new Department of Homeland Security as an opportunity to eliminate or weaken the civil service protections currently in place for the Federal employees who would be transferred to the new Department. The civil service system was put into place in order to end the corrupt patronage system that had permeated Government hiring. The creation of a new Department should not be used as an excuse to roll back these protections.

In addition, I support the right of Federal workers to join a union and am troubled that the administration wants to strip existing union representation and collective bargaining rights from many of these workers. I also am troubled by the implication that union membership is somehow a threat to our national security.

In light of September 11, there has been a tremendous amount of discussion about the FBI's ability to effectively gather intelligence information. It has become clear that federal intelligence gathering agencies, such as the FBI, need to do better in collecting, organizing and presenting basic information about domestic terrorism. I believe that important first steps have been taken. In our desire to move agencies under one roof, however, we should not be afraid to ask if the move will actually improve intelligence gathering or simply confuse us.

I also want to take a moment to lend my support to the immigration provisions in the Lieberman substitute. There has been considerable debate in recent years, and especially since September 11, on how best to re-organize the Immigration and Naturalization Service, so that we can protect our Nation from those who would seek to enter the U.S. to do harm, while we effectively and efficiently address the needs of businesses, families, students,

and visitors who seek to enter our Nation for lawful purposes.

The Lieberman substitute would wisely keep the service and enforcement functions of INS together in one Department; elevate the INS to a separate division within the new Department; keep visa approval authority within the Department of State; maintain the adjudication authority for immigration matters within the Department of Justice; and include a civil rights monitoring and oversight provision for the important purpose of holding INS enforcement functions accountable.

I commend Senator LIEBERMAN for including the ideas of Senators KENNEDY and BROWNBACK, the distinguished chairman and ranking member, respectively, of the Judiciary Committee Subcommittee on Immigration. These Senators came together to create a bipartisan INS reorganization plan. Immigrant advocates have long believed that in order to be effective and efficient, INS requires a strong leader with authority to coordinate and balance the complementary functions of services and enforcement. The Lieberman substitute does just that. While we seek to secure our Nation, we cannot ignore the importance of the flow of immigrants and visitors to our Nation. They provide the nutrients of new ideas, labor, and money that grows our economy and our Nation. I urge my colleagues to support the carefully crafted immigration provisions contained in the Lieberman substitute.

I am especially pleased that the Lieberman substitute contains an important provision to ensure that the new Department complies with the Nation's civil rights and privacy laws. As I have said, I believe that our consideration of this legislation should be guided by two principles: will this proposed reorganization make our country safer, and can we do so while respecting fundamental constitutional rights and protections? Many Federal agencies have designated offices and personnel to monitor agency policies and practices to ensure that they comply with the Nation's civil rights laws. This new Department of Homeland Security, with its unprecedented array of law enforcement powers, should be no different.

It is absolutely critical that the new Department include civil rights and privacy monitoring and oversight functions. I support the Lieberman substitute's requirement of a civil rights officer and privacy officer. The civil rights officer would be Senate-confirmed and would have responsibility to oversee and review Department policies to ensure that they do not violate the Nation's civil rights laws. The civil rights officer would refer matters that warrant further investigation to the new Department's inspector general. The Lieberman substitute would require the inspector general to designate an official to receive and review complaints alleging civil rights abuses

and submit reports on a semi-annual basis to Congress that detail any civil rights abuses by employees and officials of the Department. Like the civil rights officer, the privacy officer would have responsibility to oversee and review Department policies to ensure that they do not violate the Nation's privacy laws.

I was pleased to join Senator KENNEDY in urging that these civil rights and privacy oversight provisions be included in the bill. I thank Senator KENNEDY for his leadership on this issue. I also want to thank Senator LIEBERMAN for his recognition of the importance of these accountability provisions and his willingness to work with us. These provisions are an important step toward ensuring that the policies and practices of the new Department will be consistent with the rights and protections guaranteed by our Constitution. I look forward to continuing to work with Senator LIEBERMAN to ensure that the new Department includes appropriate and effective civil rights and privacy oversight provisions.

Finally, notwithstanding our desire to move rapidly to address the Nation's safety, I believe we still have to ask ourselves if the cost of the Department is reasonable. I do have budget concerns with regard to the creation of this new Department. Safety for all Americans isn't inexpensive, but I don't want this new Department to unnecessarily aggravate our budget problems.

When the President first announced his proposal for the creation of a Department of Homeland Security, he indicated that the reorganization of the existing agencies would not increase costs and in fact should actually realize savings.

That promise of net savings stands in contrast to the analysis of the proposal by the Congressional Budget Office, which estimates that the new Department as proposed by this bill will add about \$11 billion in new costs over the next 5 years on top of the projected net spending for the ongoing activities of the transferred agencies. And that \$11 billion in new costs does not include the cost of developing the integrated information and communications systems authorized by the bill—systems with a price tag CBO states could exceed \$1 billion.

I am told that when the Education Department and the Energy Department were created, they both exceeded their initial budgets by at least 10 percent, and I don't want that to be the case with this new Department of Homeland Security.

We need an effective, responsive and efficient Department of Homeland Security. I believe we can do this in a manner that protects the citizens who will depend on the Department and is fair to the employees who will be in the agency. In the coming weeks, I look forward to the debate on the shape and size of the Department with the belief that at the end of our discussion a bet-

ter and stronger plan for a Department of Homeland Security will emerge.

Mr. HOLLINGS. Mr. President, the disturbing thing to this particular Senator—incidentally, Senators are always disturbed—but in all candor, the best way to recognize 9/11 of last year is to make certain that a 9/11 does not occur again and that we correct the intelligence failure that brought about 9/11.

With respect to actually assuring us that a 9/11 would never occur again, we had that debate last Thursday relative to securing the cockpit of airplanes. We are depending on the White House to weigh in now with their particular view. In my view, once that cockpit door is secured, never to be opened in flight, a 9/11 could never happen again.

I speak advisedly. In the month of September of last year, I had the privilege of meeting with the chief pilot of El Al, the Israeli airline. That is the one airline in the world—particularly, of course, in the Mideast, where you have suicidal terrorists—that would be subject to a hijacking and people taking over the plane and running it into a building.

They determined years ago the only way to prevent a hijacking was to not give responsibility to the pilots for law and order on the flight itself—namely, a pistol and so forth to overpower any kind of attempted hijacking. Instead, they wanted the pilots to assume the responsibility that the plane would never go into a building or never be hijacked or taken to another country.

Over the last 30 years they have shown this is the right rule: Once the door has been secured, it has never opened in flight.

I can hear the chief pilot of El Al. He said: Senator, I can tell you here and now, if they are assaulting my wife in the cabin, I do not open that door. I go straight to the ground, and law enforcement meets me. And whoever is causing the trouble is off to jail.

As a result, they have not had a hijacking in 30 years. Yes, they have attacked the ticket counter of El Al in Los Angeles. But terrorists don't even hardly make an attempt to hijack an El Al plane because they know that, yes, they could cause trouble with the passengers but not with the crew, not with the plane itself. There is no way to take it over.

Let me embellish on that thought because we had a debate with respect to arming pilots with pistols. Many pilots wanted Congress to allow pistols in the cockpit. The House has passed that, and the Senate on last Thursday voted for that overwhelmingly.

What should be understood is, you have to remove the responsibility from that pilot. In other words, let's assume you have that pistol on the pilots as they walk to and fro; that is another danger. And as they get in transatlantic flights, that is another forbidden practice—those kinds of things need to be considered. But more particularly, if a flight attendant is crying out: They are choking me, they are

killing me, open the door. In my opinion, once that door is cracked open, the pilot with the pistol might get off a shot or two. But as we saw on 9/11, there are now teams of suicide terrorists, five-member teams willing to sacrifice one, two, or three people. The pilot might be able to kill three of them, but the other hijackers would still be coming into that cockpit. They would take over that plane once that door is cracked, with pistols, machine guns, whatever else they have up there.

So it has to be categorical and clearly understood. People have criticized me for saying this, but as I come into Reagan National Airport and see the sign, "Welcome to Reagan National, Washington, DC," I would rather have a reflective sign saying, in Arabic: "Try to hijack, go to jail."

People will say: Why are you saying that in Arabic? I use Arabic numerals regularly. I invaded Morocco, Algeria, and Tunisia. Incidentally, I have the highest esteem for the country of Tunisia because I traveled there not too long ago, and they have some 65 percent literacy and 80 percent home ownership. And the Foreign Minister told me, when I asked: How in the world did you ever do this? He said: The secret is to let the women vote.

He said: As soon as we allowed women to vote in Tunisia, they wanted better schools for the children. They wanted nice homes for their families.

In World War II, I was one of the first in the African campaign with Colonel Anderson and the 178th Field Artillery. I wasn't in the frontline unit. I am not trying to fudge on his bravery. But we went into Tunisia. Now you can go into the city of Tunis itself and what was the Dust Bowl during the war, looks like a golf course. They have turned the country around.

But the fact is, it was Muslim extremists who overtook the barracks in Lebanon, and who blew up barracks in Saudi Arabia. They blew up our Embassy in Dar es Salaam in Tanzania. They blew up our Embassy in Nairobi, Kenya. They blew up the USS *Cole*. Almost nine years ago they tried to blow up the World Trade Centers. All of those were Islamic teams that came and caused the blowing up.

So I am justified in saying this. I want those who are blowing us up to understand: try to hijack and go to jail.

As I relate all these particular incidents, I come right to the point of my amendment in the second degree to Senator THOMPSON. I was working, and my staff was working with Senator THOMPSON's staff, to see if it was acceptable to him. He is not with us this afternoon, but we will be glad to talk to him tomorrow and on Thursday because he and I have the same intent. I think we have to fix the responsibility.

There is none better in the history of the United States of America than old Harry Truman. He said: The buck stops here. He put that little sign on his desk.

That has been the trouble. I don't fault President Bush. He didn't know anything before 9/11. He was not properly informed. And having not been properly informed, he could do nothing to have prevented it. So it is not my role this afternoon, on the floor of the Senate, to find fault with the President himself.

But I think we have to fix that responsibility for national security with him. In 1947, and later, as a Presidential directive, and then later in statutory language, the National Security Council was instituted. It says: "the function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security."

The problem is the make-up of the National Security Council. On it are the Vice President, Secretary of State, and the Secretary of Defense. It has been in bed some with the Secretary of Treasury. But there are some others, like the Attorney General who should be included. The Attorney General has oversight of the Drug Enforcement Administration, and we know that terrorism is financed by drugs. He has the Border Patrol and the Immigration Service under him. He has all of these entities. He would be the chief Cabinet officer as of this minute for security, unless you get that Secretary of Homeland Security. But it still is going to be his professional teams that ensure security and provide the domestic intelligence that the Council needs.

So that homeland security intelligence, wherever you have it—if you have it at a Bureau or an office of homeland security in the White House, or a Department of Homeland Security with a particular assimilating and analytical role of intelligence, or as a department in Congress itself—wherever you have it, you still are going to have to take whatever analysis, whatever finding, and fuse it at the National Security Council level.

If you were President of the United States, or I were President of the United States, I would only have one particular briefing, one report on my desk. Every hour the President gets them now with respect to political intelligence. He knows what the polls show in Nebraska and what the trends are in South Carolina. He has political polls on November given to him every hour just about. So they are constantly taking that.

I want intelligence polls taken and reported to the President of the United States and fused at the National Security Council. The National Security Council has that responsibility. The particular Department of Homeland Security does not amend that particular statute. In fact, we could pass a Department of Homeland Security in the next 10 minutes and you could have

a 9/11, because the very things that went wrong on 9/11 would go wrong again. The very Departments that failed, starting with the CIA is not included in the new Department. The Central Intelligence Agency knew about all of these things I have related. An article in this week's Newsweek says that they knew they had persons who roomed with the suicidal terrorists of 9/11 who commandeered the planes themselves. We know of attempts made to run a plane into the Eiffel Tower.

We know from the Philippines incident that the CIA knew they had planned to run a plane into the CIA building. You can go down the litany—all of this was known before 9/11. The CIA didn't even correlate it, didn't pay attention to it, and certainly didn't pass it on and give it in the briefings to the National Security Council. I can hear Condoleezza Rice, the Director of the National Security Council, saying, "We never got anything specific."

I want to be sure they get something specific. The Department of Homeland Security bill, now being debated on the floor of the Senate, could pass and you would not have any of the Departments included that failed on last September 11.

The CIA failed. The FBI had reports from the field that something is wrong. The field teams said people were coming in and getting flight training, and we ought to be looking into it. It didn't get past the second level. You have Coleen Rowley, from Minneapolis, saying in her memo that they could be flying a plane into the World Trade Towers. We knew the World Trade Towers were vulnerable. They had already attacked them in 1993. Here was a memo again that they didn't pay any attention to. She came all the way to Washington and talked to the folks in the FBI. Nothing was done. We know, of course, the National Security Agency had something that said "Tomorrow is zero hour." That was in Arabic.

People tell me that I will hurt somebody's feelings if I put up a sign in Arabic that reads: try to hijack and go to jail. They say that is typecasting, profiling. Well, I mean to profile. I want it understood. That is exactly what occurred—in Arabic, "Tomorrow is zero hour." They got that on September 10 of last year, but they didn't translate it at the National Security Agency until September 12—after the tragedy.

Here we have everyone running up and down saying we are going to make sure 9/11 never happens again. Not with this bill. You might tinker around with what we already have on course.

Incidentally, of the 170,000 proposed staff for this Department, we already have 110,000 of them together in one Department—the Transportation Department. We had a hearing this morning with Admiral Loy of the Transportation Security Administration. It is a blessing we have him, because he knows what he is doing. He is moving

and working. He has the airports, the authority, Republicans and Democrats—everybody pulling together. He solved the biggest problem we have had with respect to airline security. But he has the seaport security, the rail security, and Amtrak—the rail stations, the tunnels, and everything else of that kind; they are all in one Department. We haven't been waiting.

If you had just the homeland security bill and it had an up-or-down vote this minute, without any amendments, I would have to vote against it. I don't want to mislead my constituents and say that I have voted for homeland security, because I know with that bill I have not voted for homeland security; I haven't done anything about the intelligence failures of 9/11 of last year.

So, Mr. President, that is the attempt of my particular amendment—to get the National Security Council beefed up. By beefing up, I mean the President did put out an order in February after he took office last year. You ought to see that particular order. It has included in various forms of the Council, the Overseas Private Investment Corporation, the Peace Corps, and everybody else. It was so inclusive as to really confuse rather than fix a responsibility, that the buck stops here.

I want to make it absolutely certain that this particular National Security Council needs to be beefed up, irrespective of whether we pass a Department of Homeland Security, irrespective of whether they put an Office of Homeland Security in the White House, as is presently constituted with Governor Ridge, or whether they call it a bureau—and I certainly would go along with Senator THOMPSON with respect to the matter of confirmation. I know if I were President, I would not want my staff subject to the confirmation and to have to respond to the Congress. You elected me the President, you have given me the responsibility, and the buck stops here. My Chief of Staff, head of my Security Council, and everything else like that, are my choice, and I have my team, and I don't have to worry about the politics over in the legislative branch as to confirmation and being responsible to subpoenas coming over. We cannot subpoena the Director of the National Security Council. We should not be able to just subpoena willy-nilly. They can say we just have to plead executive privilege.

Be that as it may, I think the distinguished Senator from Tennessee is off on the right track. He wants to make sure we don't have all this bureaucracy; in other words, if you are going to have a Department collecting intelligence, you have the CIA collecting intelligence, you have the National Security Council collecting intelligence, and you have got domestic intelligence collected by the FBI.

You have the office in the White House trying to correlate and work with it, but even that correlation has to be fused with international threats,

with foreign policy. There is only one place, and that is the National Security Council, as the Congress has already determined and as determined by none other than President Truman himself back in 1947, "The buck stops here." I do not want to have another buck stop in an office here and a department here and another agency there and a CIA agent and a defense intelligence agent over here. We have intelligence coming out of our ears. The reason this is not understood is we do not have an independent Presidential commission investigating 9/11.

I was moved the other evening when we heard former Vice President Mondale emphasize the need for that particular initiative. I joined in that some months back, and I did so advisedly. The reason I do it is when you have the House and the Senate investigate intelligence, you have a political split. It is 50 Republican and 50 Democratic. Having served for 8 years on the Intelligence Committee I can tell you that we had categorical sworn testimony to a certain effect, that was known by the White House, and we had it on two occasions to verify it, but we never could make that public because of 50 percent being Republican. They just did not want it to surface because it was critical.

Incidentally, that same Intelligence Committee staff is not subject to a polygraph. I want to emphasize that for the simple reason that one cannot get a job with the Secret Service unless they are polygraphed. They cannot get a job with the Central Intelligence Agency unless they are polygraphed. They cannot get a job with the FBI unless they are polygraphed. More particularly, they cannot get a job out there as a Capitol policeman unless they take a lie detector test.

I was told that certain information was not revealed to me by the CIA, as a member of the committee, because my staff—not my personal staff but the staff of the Senate Intelligence Committee—had not had the proper clearance.

I will never forget I had a constituent who was arrested in another country, and I was trying to get him out of that arrest. I had to struggle to do it. The country involved said he was an agent of the CIA or had gotten briefings from the CIA. They categorically denied it. It was a year and a half to 2 years later, I went into one country and talked with the station agent. He said: Oh, Senator, you are from South Carolina.

I said: I certainly am. How is that?

He said: Well, I debriefed so and so. He was one of the best we ever had.

That is how I found out about the lie saying that they never knew anything about him.

I served on the Hoover Commission in 1954 under GEN Mark Clark and President Herbert Hoover investigating the intelligence activities of the United States of America. It was the Joe McCarthy days. We went into the

CIA, the CID, the Army, Navy, air intelligence, Secret Service, Q clearance, and the Atomic Energy Commission, and all the rest of the intelligence divisions.

I have a slight background in intelligence. There is a lack of coordination. In addition to having the buck stop here, you have to have that coordination, and only the President of the United States can get that coordination. He has to get those involved on the Council. I have talked to Director Mueller of the FBI because I oversee his appropriation. He says he has gotten CIA fellows over there. But then I hear reports that they are not always exchanging the information.

That information exchange and getting it all to the one Commander in Chief to make a decision as to whether or not we have intelligence, for example, with respect to a need to invade Iraq, that has to be centralized, not at the Department of Homeland Security, not at an Office of Homeland Security, but fused at the level of the National Security Council, reporting directly to the President of the United States.

I have included in this amendment, in an advisory capacity to the Council, the Director of the FBI—as is the Director of the Central Intelligence Agency. He is also in an advisory capacity. But that one summary intelligence report that is put on the President's desk early every morning has to have the fused intelligence of domestic as well as foreign intelligence.

There is this idea now that we can beef up and fix that responsibility. I am very much concerned, as I have tried to point out with respect to this particular amendment—I am in step with the distinguished Senator from Tennessee. He is trying to avoid further bureaucracy and further politics with respect to confirmation. You never have the Director of the National Security Council confirmed or the chief of staff. The Presiding Officer of the Senate or this particular Senator would never have our chief of staff or administrative AA assistant confirmed by the Senate. That is just more bureaucracy. I agree with Senator THOMPSON on that. But it still does not fix that responsibility of the buck stopping there and that has to be at the National Security Council level with the President of the United States, and nowhere else. There has to be one place in case we ever have anything that is even like 9/11, instead of people running around finger pointing, saying: This Department said, no, but the CIA did not do it, but the FBI, well, the National Security Agency guy, no, we did not find out from defense intelligence.

They knew. They should have told. We have intelligence, tens of billions of dollars according to what I read in the newspapers. We have all kinds of entities running around with intelligence. Here we are going around and saying we are going to avoid a 9/11 by the institution of a Department of Homeland Security.

So this particular Senator has been working in that field. Namely, we passed 100 to 0, all Republicans and all Democrats, airport security. We got together and we reported out of the Commerce Committee, and it passed the Senate 100 to 0, all Republicans and all Democrats, seaport security. It is hung up over in the House with respect to the conference. I have at the desk rail security in an Amtrak bill by a vote of, I think it was, 20 to 3 out of the committee. So I have been working in this field. I sat down last fall with the new Director of the FBI, Bob Mueller. We gave him \$750 million. We said: Straighten out your computers, get those all working, reorganize your department, institute domestic intelligence.

We never wanted to do that. We shied away from domestic intelligence. With the McCarthy days and the witch hunts, the un-American activities and all, we do not want to go down that road. But the terrorism war requires an intelligence effort at the domestic level. Fine, you can have a Department—we have it going right now, to tell the truth, and we are trying to reorganize it under a new Secretary.

According to GAO, it is going to take 5 to 6 years to get it organized right, so we are going to have to depend on what we have.

I have been working in that particular field and just got through with a hearing this morning with the new Administrator of the Transportation Security Administration in the Department of Transportation, and I think we are on course. But we are behind the curve with respect to seaport security. We are behind the curve with respect to rail security, with respect to actual intelligence security and correlating it. This bill absolutely leaves out all of the failures of last year, 9/11, and includes therein all of the good operative entities; namely, that there was nothing wrong with the Coast Guard that would be included in the new Department, there was nothing wrong with FEMA or the agriculture office that would be included in the new Department.

As they said in the Navy during World War II: When in danger, when in doubt, run in circles, scream and shout.

We are running around here. We have a Department going, and it is supposed to govern. I voted for homeland security. You did not. This bill could pass in the next 10 minutes and it would not correct the failings of September 11. My amendment to the Thompson amendment would fix that responsibility at the National Security Council, so the buck would stop there. The President of the United States would have to know what is going on. If he could not find out, this President would get rid of him.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Connecticut.

MR. DODD. Mr. President, I listened very carefully to the comments of my

friend and colleague from South Carolina. Once again he makes a great deal of sense. I look forward to being supportive of his effort.

My colleague from Connecticut, Senator LIEBERMAN, is doing a remarkably fine job managing a very complicated piece of legislation. He deserves great deal of credit for taking on that responsibility. I have not had a chance to speak on the bill as of yet, but I don't want to miss the opportunity of congratulating him and thanking him, and all of our colleagues, for the work he has done and to thank Senator HOLINGS for his tireless efforts on related matters.

The PRESIDING OFFICER. The Senator from Nevada.

MORNING BUSINESS

Mr. REID. I ask unanimous consent we proceed for a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. REID. If the managers will come back and want to yield more, we will be happy to consent to that.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

MENTAL ILLNESS PARITY

Mr. WELLSTONE. Mr. President, the Washington Post on September 9 had an editorial titled "Equity for Mental Illness." I ask unanimous consent this editorial be printed in the RECORD.

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

[From the Washington Post, September 9, 2002]

EQUITY FOR MENTAL ILLNESS

Last spring President Bush announced a new commitment to improving mental health care for Americans. He cited unfair limits on treatment as one major obstacle to effective care and pledged to seek legislation by year's end to require that insurance plans treat mental illnesses in the same way they treat other medical ailments. Now time is getting short and the calendar is crowded, but Congress still should approve a parity bill, and Mr. Bush, recalling his pledge, should help make it happen.

This isn't the position we took when we last examined the subject, last year, and many of the issues that troubled us then haven't disappeared. Parity legislation is not a panacea. It won't help the uninsured. There's a risk that, by raising costs, it could cause some employers to weaken or abandon existing coverage or charge employees more for benefits. Congress tends to be much more interested in providing benefits than in dealing with their costs. That's especially true for a mandate like this, in which the costs would be borne almost entirely by the private sector. Businesses wrestling with double-digit increases in health care costs are fighting any move that would add even marginally to the problem.

But two factors now seem to us to outweigh those concerns. The first is practical: Experience in both the federal employees' insurance system and in states that have enacted their own parity laws argues that, by

managing care, insurers can move toward equal treatment without crippling cost increases. The Congressional Budget Office has estimated that enacting the parity bill now pending in Congress would add just less than one percent to the overall national cost of insurance premiums, though specific costs will vary from business to business depending on what benefits are offered. Insurers, CBO noted this spring, still will be able to exercise the management tools that have been used in the past to decide what treatments are appropriate and warranted, and to hold down expenses. The right response to the gathering health care crisis is to fix the system, not make the mentally ill bear a disproportionate burden.

The second factor is one of fundamental fairness, and of removing the stigma that for too long has shrouded mental illness. Many mental disorders can be clearly diagnosed and effectively treated; some can't. The same can be said of cancers. The pending legislation would require large employers who offer coverage for mental and other illness to handle all disorders in essentially the same way: You can't put treatment limits or financial requirements on mental health benefits that are not imposed on physical ailments. Insurers would not have to pay for what is not medically effective. It's not a huge step, but it would help some people get the treatment they need. It's right to level the field.

Mr. WELLSTONE. I will read the opening paragraph:

Last spring President Bush announced the new commitment to improving mental health care for Americans. He cited unfair treatment as one major obstacle to effective care and pledged to seek legislation to require the insurance plans to treat mental illness in the same way they treat other medical ailments. Now time is getting short and the calendar is crowded, but Congress still should approve a parity bill, and Mr. Bush, recalling his pledge, should help make it happen.

This isn't the position we took when we last examined the subject.

As a coauthor of this legislation with Senator DOMENICI, I am gratified and moved that the Washington Post has come out with a very strong editorial in favor of parity in mental health coverage. This legislation is called the Mental Health Equity Treatment Act, with, by the way, 67 Senators, two-thirds of the Senate, and 243 Representatives, including authors MARGE ROUKEMA and PATRICK KENNEDY, bipartisan in both the Senate and the House, in support of it.

The Washington Post says it is not a be-all or end-all. The Washington Post is absolutely right. But it at least is a huge step toward ending the discrimination. And more or less, I argue, once we have the coverage in the plans, the care will follow the money. And there will be more of an infrastructure of care for people who do not get any help.

I don't know what has happened with the negotiations. There is no stronger advocate than my colleague, Senator DOMENICI. I was excited when the President announced his support. I thought the White House would bring people together and we would have agreement in the House and the Senate and we would pass legislation. Frankly, I have not seen a lot of negotiation take place. It

has been a huge disappointment to me. I hope the White House will become fully engaged. It is not too late.

The President went on record as saying: I want to see this legislation passed; I want to see this discrimination ended. We need to see those words backed by action.

What we call the Mental Health Equity Treatment Act has tremendous support. If the White House would become engaged in this, we can pass this legislation. There are any number of different vehicles we still have this month. I believe we can attach this legislation to one of those vehicles and one of those appropriations bills or other pieces of legislation. This legislation will pass. It will pass because a couple of reasons. It will pass because all of the families that have been affected by this illness—and there is not anybody in the Senate or the House who does not have a member of the family who has not been affected one way or the other—have stepped forward. They have become their own leaders. They have become their own citizen lobby. They basically say it is time to end this discrimination. This is major civil rights legislation.

It will pass. Last time, this became part of the Education, Labor, Health and Human Services appropriations bill. Both Senator HARKIN and Senator SPECTER were strong advocates of this matter when it went to conference committee. We had near unanimous support in the Senate. Then it was blocked last session by the House Republican leadership and the White House. But there were a number of Republicans who said: We are very uncomfortable voting against this. Several of them, I believe, have their own personal experiences in their own families or with friends with mental illness. Several of them said: Look, if this comes back a year later and nothing has been done, we do not want to vote against this.

I come to the floor to include this very important editorial in the Washington Post in the Senate RECORD to bring this to my colleagues' attention. This is a change of position on the part of the Washington Post. The Washington Post points this out in their editorial.

Second, I remind the President that he has made a commitment to helping pass this legislation this session, not to put it off year after year after year. I hope he will back his words with the deed, the good Hebrew word, "mitzvah."

Time is not neutral. We do not have a lot of time yet. There is a lot of good will in the Senate, both by Democrats and Republicans. Certainly, one of the key leaders is Senator DOMENICI. Nobody has done more. I mention MARGE ROUKEMA and PATRICK KENNEDY on the House side. Senator REID has done so much work. I could go on and on. The White House has been semi-missing in action. We need them to become engaged. I have no doubt we can pass this