

He said the First Amendment and a free press protect the "people's right to know" that their government is acting fairly and lawfully. "When government begins closing doors," he said, "it selectively controls information rightfully belonging to the people. Selective information is misinformation."

He said, "A government operating in the shadow of secrecy stands in complete opposition to the society envisioned by the framers of our Constitution."

The concurring judges were Martha Craig Daughtrey and James G. Carr. The panel acknowledged—and said it even shared—"the government's fear that dangerous information might be disclosed in some of these hearings." But the judges said when that possibility arises, the proper procedure for the government would be to explain "on a case-by-case basis" why the hearing should be closed.

"Using this stricter standard," wrote Judge Keith, "does not mean that information helpful to terrorists will be disclosed, only that the government must be more targeted and precise in its approach."

A blanket policy of secrecy, the court said, is unconstitutional.

The case that led to the panel's ruling involved a Muslim clergyman in Ann Arbor, Mich., Rabih Haddad, who overstayed his tourist visa. The ruling is binding on courts in Kentucky, Michigan, Ohio and Tennessee and may serve as a precedent in other jurisdictions.

The attorneys who argued the case against the government represented four Michigan newspapers and Representative John Conyers Jr., a Michigan Democrat. They took no position on whether Mr. Haddad should be deported.

"Secrecy is the evil here," said Herschel P. Fink, a lawyer who represented The Detroit Free Press. He said the government "absolutely" had an obligation to "vigorously" fight terrorism. But excessive secrecy, he said, was intolerable.

"We just want to watch," said Mr. Fink.

Judge Keith specifically addressed that issue. The people, he said, had deputized the press "as the guardians of their liberty."

The essence of the ruling was the reaffirmation of the importance of our nation's system of checks and balances. While the executive branch has tremendous power and authority with regard to immigration issues and the national defense, it does not have *carte blanche*.

Lee Gelernt, a lawyer with the American Civil Liberties Union who represented some of the plaintiffs in the case, noted that the administration has been arguing since Sept. 11 that it needs much more authority to act unilaterally and without scrutiny by the public and the courts.

He said last week's ruling was the most recent and, thus far, the most important to assert, "That's not the way it's done in our system."

HOMELAND SECURITY ACT OF 2002—Continued

The PRESIDING OFFICER (Mrs. CARNAHAN). The majority leader.

Mr. DASCHLE. Madam President, I will be brief. The President again today admonished the Senate for moving slowly on homeland security. He again told his audience that he was very concerned that we are moving slowly on an issue of great import in terms of his design on homeland security and the need for a recognition of national security through this legislation.

Let me simply say to the President and to anybody else who has question: There is no desire to slow down this

legislation. There are Senators who have very significant concerns about various provisions, but there ought to be no question about our desire to continue to work to complete the deliberation of this legislation and send it to conference as quickly as possible.

We have only had an opportunity to debate one amendment and bring it to closure. It would be my hope we could take up Senator BYRD's amendment sometime very soon and we could take up other amendments to the legislation as soon as possible. We have now been on this bill for 3 weeks, and I understand why some would be concerned about the pace with which the Senate is dealing with this legislation.

I discussed the matter with Senator LOTT, and I think he shares my view that we have to move the bill along. I note that if the President had supported homeland security legislation when the Democrats first offered it last summer, we probably would have completed it by now. It took them about 2 months to respond to the actions taken by the Governmental Affairs Committee in the Senate. But that has been done. They have responded, and we have worked with them to come up with a plan of which we are very proud and a product that can be addressed.

Senator BYRD has a good amendment. There are others who have amendments as well, but the time has come to move on. I had originally hoped we could get an agreement that only relevant amendments would be offered. We have not had a case of nonrelevant amendments. We have had a case of no amendments in this process. It is very important for us to demonstrate to the American people, it is very important for us to make as clear as we can that we want to come to closure on this legislation—take up amendments and deal with them effectively, but the amendments ought to be germane and we ought to work within a timeframe.

CLOTURE MOTION

Mr. DASCHLE. Madam President, with respect to the Lieberman substitute amendment to the homeland security bill, I send a cloture motion to the desk.

Mr. BYRD. Madam President, I ask the leader if he will add my name to that cloture motion.

Mr. DASCHLE. I will be happy to add the Senator's name.

Mr. BYRD. Madam President, I give the distinguished majority leader my power of attorney to sign this for me. Everybody in the country knows about my trembling hands. So I hope the majority will sign this for me.

Mr. DASCHLE. Madam President, I ask unanimous consent that I have that right, and we will accommodate the Senator's request. I appreciate very much his support of the cloture motion.

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

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

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 Lieberman substitute amendment No. 4471 for H.R. 5005, Homeland Security legislation.

Jean Carnahan, Herb Kohl, Jack Reed (RI), Richard J. Durbin, Kent Conrad, Paul Wellstone, Jim Jeffords, Max Baucus, Tom Harkin, Harry Reid (NV), Patrick Leahy, Jeff Bingaman, Barbara Boxer, Byron L. Dorgan, Mark Dayton, Debbie Stabenow, Robert Torricelli, Mary Landrieu, Joseph Lieberman, Robert C. Byrd.

Mr. DASCHLE. Madam President, we now have two cloture motions before the Senate. The first one ripens this afternoon at 5:15. That is on the amendment offered by Senator BYRD to the Interior appropriations bill.

We cannot get to the rest of the business before us unless that cloture motion is agreed to. There can be no excuse, there can be no reason, after all this debate, after all the meetings, that we cannot at least bring closure to that amendment.

Senators still have a right to offer amendments to the bill, but we have to move on. I cannot imagine that there would be a Senator who would want to extend debate beyond the 3 weeks we have now debated Interior and the Byrd amendment. The same could be said of homeland security. If we want to respond to the President, who again today said the time for the Senate to act is now, let's respond on a bipartisan basis and let's vote for cloture on the Lieberman substitute and let's move this legislation along.

I yield the floor.

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

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mr. SPECTER. Madam President, I have sought recognition to comment briefly about the upcoming cloture vote and also about the status of our progress on the homeland security bill and the progress of the Senate on its fundamental responsibility to have a budget or make appropriations.

I would have thought that on September 17, the day the Constitution was ratified, there would be more regard for the constitutional responsibility of the Senate. We have the power of appropriation, but we are not handling our duties. Much as I dislike saying so, I believe the Senate is dysfunctional. Harsh, perhaps, but true, certainly. We are simply not getting the job done.

I am a little surprised to see a cloture motion filed on an amendment to an appropriations bill. If there were protracted debate, if there were an effort to stall, if there were some attempt made to delay the proceedings of

the Senate, perhaps so. But there are Senators who want to vote on an important issue relating to the forests, especially in the West, and the dangers of fire. They have been seeking a vote but have not been able to get one.

I intend to vote against cloture, to give Senators a chance to present their amendment. That is not to say I will support the amendment, but I believe the Senators ought to have an opportunity to present their amendment.

Cloture has now been filed on the homeland security bill. We are now in our third week after returning from the August recess, and the Senate has done virtually nothing during that period of time. We have had prolonged speeches on generalizations which have, in fact, impeded the progress of the homeland security bill. We were in a position to vote on the amendment by the distinguished Senator from Connecticut last Thursday, but it could not get a vote because the time was consumed with speechmaking. Now, I like speechmaking as much as the next Senator, but there has to be some balance as to what is being done. And again this afternoon—I had not known unanimous consent was granted—more lengthy speeches, without really getting to the substance of what the Senate ought to be doing.

We have not passed any appropriations bill among the 13 we are charged with passing. Now, this is September 17, 13 days away from the end of the fiscal year, with only a few working days left. The Department of Defense appropriations bill lies dormant. It has been passed by both bodies, but there hasn't been a conference. The military construction appropriations bill lies dormant. Again, it has been passed by both bodies but there hasn't been a conference.

We are fighting a war at the present time. We are cleaning up the remnants of other wars, in Kosovo and in Bosnia, and our troops are in Afghanistan. We will be called upon soon to vote on a resolution which may send us to war against Iraq.

Now, what are we doing for the Department of Defense? We have a very substantial increase in defense funding, but the way it looks now, we are going to be having a continuing resolution. What the House has said ought to be adopted and what the Senate has said ought to be adopted will be curtailed very drastically if we have a continuing resolution. So we are simply not doing our job.

Then we have 11 other appropriations bills. I have the responsibility, as ranking member of the Subcommittee on Labor, Health and Human Services, and Education, to prepare a very major bill which funds the Department of Education, the major capital investment of America, the Department of Health and Human Services, which is very important, and the Department of Labor on worker safety. But we are not moving to pass the bill.

The National Institutes of Health, probably the best investment this Con-

gress makes, the crown jewel of the Federal Government—perhaps the only jewel of the Federal Government—has an increase of \$3.5 billion in this year's appropriations bill. But as of this reading, it is unlikely to comment on its operation because we are not going to pass the bill.

We are told that the Department of Defense appropriations bill is being held up because we have not established the allocations. Why haven't we established allocations because there is no budget. The Budget Act was passed in 1974, and this is the first year there hasn't been a budget passed.

As I am approaching the end of my 22nd year in this body, not an inconsiderable period of time, I have not seen the Senate in such disarray as we are at the present time.

We had a vote several weeks ago on what was the equivalent of deeming. That is legal jargon, Senate jargon, for making out as if we had passed a budget to establish a figure. It required 60 votes to have this amendment passed—I was sorely tempted to vote for it—which would have established the Senate budget \$9 billion above the House budget. I do believe we need a budget, because if we do not, we are going to be passing appropriations bills which far exceed the purported allocations.

It is customary, on the attractive education proposals and the attractive health proposals, to get into the high fifties. With a 60-vote requirement, those amendments are not passed, but they are very tempting amendments. When I responded to the rollcall, with 59 Senators having voted aye on the deeming resolution, I just was not going to do it, notwithstanding my deep commitment to the appropriations process and notwithstanding my knowledge that it was fairly important to have a budget figure.

But if we are going to use a shortcut, if we are going to use a substitute, what is the point of having a budget resolution? If the Budget Committee knows it can be derelict in its duty and be bailed out by 60 Senators who will say, awe, shucks, let's go ahead and do it anyway, what is the point to have the Budget Committee do its job next year or any year?

The previous chairman of the Budget Committee told me—the distinguished senior Senator from New Mexico is sitting in front of me—that he will be chairman next year. If I was sure of that, I would have voted for deeming. But I am not sure of much of anything on the current posture.

So it is my hope that we will move ahead and have votes and let there be a vote on this issue on the course. But let us proceed to vote on the homeland security issues which are very important.

One of the critical issues on homeland security, in my judgment, is to have the analysis of all the agencies—FBI, CIA, NSA—under one umbrella.

Had that been done prior to September 11, 2001, I think that catas-

trophe might have been avoided. There were lots of danger signals. There were lots of dots on the board.

There was the July FBI Phoenix memorandum about a man taking flight training and two al-Qaida men in Kuala Lumpur, known to the CIA, who later turned out to be pilots on the hijacked planes. The CIA didn't bother to tell the FBI or INS.

You had the NSA warning on September 10 that something was going to happen the next day. But nobody bothered to translate it until September 12.

Then you had the matter of Zacarias Moussaoui, a much celebrated personality today with the litigation in the Federal court. But had the FBI obtained a warrant under the Foreign Intelligence Surveillance Act, there was a treasure trove of information linking Moussaoui to al-Qaida. And there was a virtual blueprint, had all the dots been put together.

After September 11, I opposed the creation of an independent commission because it seemed to me the Intelligence Committees could do the job. I understood that they couldn't move ahead immediately with hearings in closed session and then in open session in order to give the intelligence community an opportunity to regroup. But that time has long passed, and now we find the Intelligence Committees are embroiled in another investigation; that is, an investigation by the FBI against the Intelligence Committees.

It is very difficult to understand how the Intelligence Committees can be investigating the FBI and the CIA and other intelligence agencies, and then, having a leak of classified material, to have the FBI investigate the intelligence committees. I wrote to the chairmen and vice chairmen of both the House and Senate, strongly urging them not to do that—that you simply can't have investigators being investigated by those who are under investigation.

Then you have the issue of separation of powers. If the FBI is going to be able to investigate the Congress, what independence does the Congress have in our oversight function?

So the Intelligence Committees have not moved ahead for that job. The only alternative now is an independent commission. I worked as one of the younger lawyers on the Warren Commission staff many years ago. I say "younger lawyer" because I am still a young lawyer. And, while the Warren Commission has received a fair amount of critical analysis over the years, the essential conclusions have held up—that Oswald was the sole assassin, or the single bullet that went through both the President and Governor Connolly and the President was struck by a later bullet which killed him. So I have now come to conclude that we need an independent commission.

But most of all we need a Senate which will move ahead in its duties and obligations. This is a good day, September 17. September 17, 1787, was the

day the Constitution was signed. So, 215 years later, that ought to be a hallmark for us to move ahead and discharge our duties.

I yield the floor.

Mr. DOMENICI. Madam President, I was en route here and was watching and saw the Senator from Pennsylvania speaking. I got here as fast as I could because I was wondering when somebody would say what he has said. Frankly, I am sorry the distinguished President pro tempore is not here, or I would ask him the same question: When do we intend? When would he let us vote on this very important, new Cabinet position and the Cabinet organization that goes with it?

I heard much of what he wants to say. I know he wants to win. But I believe it is important that when we are at war, we proceed with some dispatch to give the President what he wants. If the distinguished Senator is going to lose, we all lose sometimes. If he is going to win, maybe he will win sooner than he thinks. But it is taking a long time and getting nowhere. And I think we know the issues on that new piece, that new Department of our Federal Government. I think he ought to let us proceed with it.

My further observation has to do with appropriations. You know, we are all tied in knots because we didn't get a budget resolution, and every time we say it, somebody should be here on our side of the aisle because it is not our fault. It is not me as ranking member. It is not my fault. And it is not my fault in any other capacity. I have been on that committee for 25 years, and never did I not get a budget resolution when I was chairman. One way or another, we got a budget resolution.

Now we don't know which appropriations numbers to follow, the bigger number in the House or the Senate or vice versa. At least that much would be resolved with a budget resolution. I hope we learn from it and we get on to our business today.

Mr. SARBANES. Madam, President, my amendment, No. 4554, would establish an Office of National Capital Region Coordination within a newly-created Department of Homeland Security. Joining me in offering this amendment are Senators WARNER, MIKULSKI, and ALLEN.

The September 11, 2001 terrorist attack on the Pentagon underscored the unique challenges the National Capital Region faces in emergency preparedness. A recent editorial in the Washington Post perhaps described the problem best:

Sept. 11 laid bare the truth about the national capital region's preparedness for a major terrorist attack. That fateful day revealed that the area's 5 million residents, the federal government's far-flung operations and the varied state and local jurisdictions were ill-prepared for the kind of emergencies that could result from bioterrorism or other murderous terrorist strikes It will be no easy feat, converting a region containing three branches of the federal government, two states, and the District of

Columbia, each with separate police forces and emergency plans—but all using the same roads and bridges—into a well-coordinated governmental operating complex . . .

In no other area of the country must vital decisionmaking and coordination occur between an independent city, two States, seventeen distinct local and regional authorities, including more than a dozen local police and Federal protective forces, and numerous Federal agencies.

In hearings before the Senate Appropriations Subcommittee on the District of Columbia, Senator MARY LANDRIEU, the Distinguished Chair of the Subcommittee, and virtually every witness highlighted the region's high risk for terrorism and the critical need for coordinated and timely communication between the Federal Government and the surrounding State and local jurisdictions. I want to commend Senator LANDRIEU for her leadership on this very important issue and for working to address the emergency preparedness funding needs of the District of Columbia and the Washington Metro system.

Over the past year significant progress has been made on the State and local levels in emergency response protocols. The Metropolitan Washington Council of Governments, COG, the association representing the 17 major cities and counties in the region, should be commended for the strong partnerships and initiatives they have nurtured over the past twelve months, including the creation of the COG Ad Hoc Task Force on Homeland Security and the development of a Regional Emergency Response Plan.

Similarly, at a summit meeting convened last month, the mayor of the District of Columbia and the Governors of Maryland and Virginia took a major step forward with the signing of an eight-point "Commitments to Action" to improve coordination. Unfortunately, the Office of Homeland Security, which helped convene the summit, is not a party to the agreement.

What is still lacking, however, is the integration of the Federal Government's many and diverse protocols in the region with those of State and local authorities. This past August, a plan known as the Federal Emergency Decision and Notification Protocol was announced by the Administration, giving the directors of the Office of Personnel Management, the Federal Emergency Management Agency, and the General Services Administration the authority to release Federal employees in the area and around the country. However, as an August 17, 2002 article in the Washington Post notes, "[left unclear by the plan is how Federal agencies execute the evacuation. Congress and the courts are independent of the President. Even Cabinet secretaries and senior agency directors have autonomy over their employees and buildings"]

I commend to my colleagues the September 10, 2002 edition of the Wash-

ington Post which featured a story detailing the status of emergency planning in the area, noting the work yet to be done by the Federal Government.

The unique and dominant Federal presence in this region obligates the Federal Government to become a fully cooperative partner in the region's efforts at emergency planning and preparedness.

One of the key goals of a new Department of Homeland Security is to consolidate the components of the Federal Government playing an integral role in the protection of the homeland, both existing and yet-to-be-created, into one single entity whose purpose is to coordinate these components and facilitate their individual missions.

In the National Capital Region, the many branches and agencies of the Federal Government similarly necessitate a single voice to aid and encourage the significant efforts already being undertaken by State, local, and regional authorities. It is with this goal in mind that my amendment proposes the creation of an office within a Department of Homeland Security that would provide such a voice.

The Office of National Capital Region Coordination would establish a single Federal point of contact within a new Department of Homeland Security. This office would not only coordinate the activities of the Department affecting the Nation's Capital, but also act as a one-stop shop through which State, local, and regional authorities can look for meaningful access to the plans and preparedness activities of the numerous other Federal agencies and entities in the region. Likewise, this new office would become the vehicle used by the multitude of Federal entities in the area to receive vital information and input from the state, local, and regional level in the development of the Federal Government's planning efforts.

In short, the Office of National Capital Region Coordination would ensure that the Federal Government takes a place at the table as this region makes unprecedented attempts to coordinate the work of its many State, local, and regional authorities.

The need for such an office has been expressed and supported by many of the most important participants and stakeholders in the area's terrorism preparedness activities, including COG, WMATA, the Greater Washington Board of Trade, and the Potomac Electric Power Company, PEPCO. I ask that letters of support from these groups be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. SARBANES. A year has passed since the horrific attacks of September 11th, and as we debate the shape and form of a new Department of Homeland Security, the time has come for the Federal Government to fulfill its obligations to the National Capital Region

and those dedicated to preserving its safety. I would urge my colleagues to support this important amendment.

PEPCO HOLDINGS, INC.,
Washington, DC, September 10, 2002.

Hon. JOSEPH LIEBERMAN,
Chairman, Senate Committee on Government Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN: As Chief Executive Officer of Pepco Holdings Inc., I am writing to express my strong and unequivocal support for Senator Paul Sarbanes' amendment to the National Homeland Security and Combating Terrorism Act of 2002.

The proposed amendment would create within the Department of Homeland Security a National Capital Region Coordination Office. This office would have the responsibility of coordinating the response activities of the Federal, State, and local governments with that of the general public and the private sector.

The District of Columbia is truly in a unique situation when it comes to Homeland Security. As our Nation's Capital, the District is home to more than 370,000 Federal workers and draws over 18 million visitors annually. At the same time, given the multi-jurisdictional nature of the Greater Washington Metropolitan area and the enormous Federal presence, there are distinct challenges facing this region's efforts to have a comprehensive and coordinated response to terrorism.

For example, there are over a dozen separate local police departments in the greater Washington area. Overlaying this, there are another dozen Federal law enforcement agencies, each with their own jurisdiction and mandate. These departments have their own procedures and are developing their own contingency plans. Coordinating these efforts will not be an easy task and will require a dedicated office within the Department of Homeland Security.

Unfortunately on September 11 we saw what can happen if the region fails to coordinate its response. On the afternoon of the attack the Federal government sent home its entire workforce early without notifying anyone on the local level. At the same time the Federal government was releasing hundreds of thousands of Federal employees and contractors to already grid-locked roads and packed Metro stations, Federal agencies were erecting security zones and blocking off streets around their facilities making the evacuation of the District even more difficult.

Thankfully, there was no secondary attack after the Pentagon. But had there been one, this lack of coordination could have had disastrous results and I believe illustrated the need for a dedicated office within the Department.

As the major provider of electricity to the District of Columbia as well as Prince George's and Montgomery counties in Maryland, Pepco has spent a significant amount of time and effort on security issues since September 11. The more I look at the unique challenges we face in this new environment, both as Chief Executive and a Washingtonian, the more I believe in the need for Senator Sarbanes' proposal.

Thank you for your leadership on homeland security issues, and I trust that you will give the National Capital Region Coordination Office provision every consideration.

Sincerely,

JOHN M. DERRICK,
Chairman, Chief Executive Officer.

WASHINGTON AREA TRANSIT AUTHORITY,
Washington, DC, September 5, 2002.

Hon. JOSEPH LIEBERMAN,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN: On behalf of the Washington Metropolitan Area Transit

Authority, I would like to express our great appreciation and strong support for your efforts to enhance security in the national capital region. We urge you to offer an amendment to S. 2452, the "National Homeland Security and Combating Terrorism Act of 2002" in order to address the specific needs of the National Capital Region, perhaps the area of greatest potential risk in the country.

Importantly, there is not central point of coordination for the many Federal entities in the region, including various executive branch agencies, the Office of Homeland Security, the Military District of Washington, the U.S. Congress, and the judicial branch. Effective coordination within the Federal government is absolutely critical in the National Capital Region in light of the fact that the Federal government is the region's largest employer. The recent Regional Summit on Security, convened by Governor Ridge, also pointed out the continuing need for effective coordination among all levels of government in the National Capital Region.

The other matter of concern is the enormous challenge this region faces in working constructively with the Administration as it formulates security budget proposals. While the Congress, through the appropriations process, has generally been quite receptive to funding requirements for security measures, it has been extremely difficult and cumbersome to present our case to the Administration for the resources needed to carry out the national strategy for combating terrorism and other homeland security activities, due to the highly decentralized nature of the Executive Branch budget development process. The proposed amendment provides a mechanism for a review of the funding resources required for the region to implement the national strategy for combating terrorism.

We greatly appreciate your attention and diligence in assisting the region in addressing these important issues. We are all facing challenges that previously seemed unthinkable. We owe you a great debt of gratitude for your leadership in assisting the National Capital Region in preparing to meet these challenges.

Sincerely,

CHRISTOPHER ZIMMERMAN,
Chairman, Board of Directors.

GREATER WASHINGTON BOARD OF TRADE,
Washington, DC, August 23, 2002.

Hon. JOSEPH LIEBERMAN,
Chairman, Senate Committee on Government Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN: Thank you for your leadership on building a strong and thoughtful Department of Homeland Security. As you prepare your final mark on S. 2452 we urge you to include an amendment that calls for a separate office for the National Capital Region within the Department. The proposal is supported by many of your colleagues including Senators Warner, Allen, Sarbanes and Mikulski, as well as Senator Landrieu, ranking member of the District of Columbia Appropriations Subcommittee and Mayor Anthony Williams.

The National Capital Region is perhaps the area of greatest potential risk in the country to future terrorist attack. It is the seat of government, the location of many symbolic and historic structures, the venue for many high profile public events attended by large numbers of people, a key tourism destination that draws 18 million visitors annually and home to 370,000 federal workers and hundreds of lawmakers.

The area is unique in that it has dozens of federal agencies that have been mandated to have their own emergency preparedness plans. Most of these agencies have not coordinated their plans with local governments or private sector concerns that own and op-

erate critical infrastructure like power, telecommunications and transportation, which the agencies are dependent. The region also has more than a dozen separate and distinct police forces representing seventeen jurisdictions and more than a dozen federal protective forces that need better coordination.

S. 2452 does not currently require the federal government to coordinate with the region or intradepartmentally, leaving the region and the nation's capital vulnerable. While coordination efforts are improving, there clearly needs to be an institutional structure in place to bring coordination to the level necessary in this complex environment.

We urge you to support the amendment to S. 2452 that will create a single point of contact within the Department of Homeland Security for coordination in the National Capital Region. The purpose is not to supersede any planning or action currently being undertaken, but only to serve as a coordinator of information, a point of contact for planning with the regional public and private sectors.

Sincerely,

ROBERT A. PECK,
President.

METROPOLITAN WASHINGTON
COUNCIL OF GOVERNMENTS,
Washington, DC, August 22, 2002.

Hon. JOSEPH LIEBERMAN,
Chairman, Senate Committee on Government Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN: The Metropolitan Washington Council of Governments (COG) is appreciative of your efforts in strengthening the provisions of S. 2452, the National Homeland Security and Combating Terrorism Act of 2002, as it impacts the National Capital Region. In particular we endorse your efforts in insuring that federal terrorism preparedness and emergency response activities in the Washington, DC area are coordinated in consultation with those of the Region's sub-federal governments, private and non-profit entities, and the public generally.

As you are aware, COG is completing a year-long effort involving hundreds of public officials and public and private experts in the development of coordination and communications protocols for use by state and local governments, private and non-profit agencies, and other "stakeholders" concerned about preparation for and management of terrorist and other emergencies in the National Capital Region. Having a single contact point for coordinating these efforts with existing and proposed Federal response capacities is necessary for the effective and timely protection of life and property in the region.

The proposed amendment creates a function within the Department of Homeland Security which will be such a contact point, allowing full communication among the Federal and sub-federal entities dedicated to protection of this region and its citizens and coordination of their potentially supportive but disparate functions without impeding the planning or actions of either group.

Additionally, the creation of such a function recognizes the unique status of this region, with its strong presence of the Federal government as employer, policy-initiator, and potential target, as worthy of specific future Federal support.

The COG Ad Hoc Task Force on Homeland Security has considered the concepts and purposes contained in this proposed amendment and supports its enactment.

On behalf of my colleagues on the Task Force, I am pleased to endorse this proposed

amendment and urge you to support its passage.

Sincerely,

CAROL SCHWARTZ,
Chairman.

DEPARTMENT OF THE INTERIOR
AND RELATED AGENCIES APPROPRIATIONS ACT, 2003—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will now continue with the consideration of H.R. 5093, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 5:15 will be equally divided between the chairman and the ranking member of the subcommittee or their designees prior to a vote on the cloture motion on the Byrd amendment No. 4480.

The Senator from Nevada.

Mr. REID. Madam President, Senator BYRD and Senator BURNS are not here. The Chair has already decreed that we will divide the time. But there have been a number of people waiting: Senator CRAPO, Senator DOMENICI, Senator CRAIG. Just for expedition purposes, if they would like to speak now, that is fine. We would wait until they finish. I do not know in what order they wish to go, so why don't we announce that so people aren't waiting around.

Mr. DOMENICI. How much time are we going to have?

Mr. REID. Half of 40 minutes, 20 minutes.

The PRESIDING OFFICER. Twenty minutes.

Mr. DOMENICI. If you want to let Senator CRAPO go first?

Mr. CRAIG. That will be fine.

Mr. REID. May we have an order?

You are going to use your time probably, now, and then a little over here or what do you want to do?

Mr. CRAIG. Madam President, Senator REID, I assume we would retain the last 5 minutes for closing purposes.

Mr. REID. Because it is your amendment.

Mr. CRAIG. Yes, because it is our amendment. We would want that.

Mr. REID. That is really no problem. It is our cloture motion, but if you want the last 5 minutes, that is fine. So we ask that consent. In the meantime, you use whatever time you need. So you have 15 minutes now.

Mr. CRAIG. I yield the Senator from Idaho 5 minutes.

Mr. CRAPO. Madam President, I rise in support of the efforts to address the serious and devastating impacts of fires that are currently raging throughout the West and to impress upon my colleagues the need for immediate action to reduce this threat in the future.

I thank my colleague from Idaho, Senator CRAIG, for his tireless efforts

to try to find a path forward on a collaborative basis and to build the consensus necessary to address this difficult issue. The Senator from New Mexico as well has been very closely involved in developing these proposals. I commend him for his efforts.

As I begin, I offer my gratitude to the brave men and women who are fighting these fires. Wildland firefighting is a dangerous and exhausting job, and I can't thank them enough for their efforts. Already this year, 6.3 million acres have been burned, and this level of destruction puts us on pace to meet the catastrophic fire season of 2000, when 8.4 million acres burned, with more than a million of those acres in Idaho.

Idaho has been relatively lucky this year. However, with outbreaks of Douglas fir beetles and mountain pine beetles throughout Idaho, it is clear we are poised for another dangerous fire season.

Not all fire is bad. In fact, fire can be beneficial. However, many of the fires we face today are fueled by unnatural fuels and burn with an intensity and size that makes them undesirable in our natural ecology. Additionally, insect and disease outbreaks are often naturally occurring agents of change, yet some outbreaks are enhanced by our past actions and inactions and occur in scopes that are damaging and unnatural.

As a result of the previous fire seasons, Congress acted with an immediate and bipartisan response.

We came forward with funding and direction for a national fire plan. Yet, to date, this plan has not been implemented effectively enough to address the risks facing our communities.

I do not think we should be pointing fingers or making excuses about why or how these fires occurred. We need to look forward and address the problem. We need to do so quickly. I do not want to see another million acres burning in Idaho next year.

In his Healthy Forests Initiative, the President outlined actions that will effectively address the risk of catastrophic wildfires. In the Fiscal Year 2002 supplemental appropriations bill, our majority leader identified a way to effectively reduce the risks in the Black Hills National Forest. Clearly, we all want to protect our forests.

Our forests are an important part of our heritage and have great impacts on local economies and recreational opportunities for local residents and visitors alike. They provide our drinking water and wildlife habitat. In short, healthy forests are vital to all Americans.

The Forest Service has identified 70 million acres of Condition Class III lands. These lands are at catastrophic risk of wildfire and subject to insect and disease infestations, windthrow, and other health risks. It is important to address risks on these lands, but it must be noted that today we are not debating action in all of these areas.

As I said, many of these threats are natural and we may choose to let them occur naturally. However, we must act—and act quickly—to protect our high value forest areas. We must act to protect homes, property, and livelihood, maintain the quality of our watersheds, and take steps to ensure that burned areas are quickly rehabilitated rather than face the dangerous risks of reburn.

Again, the amendments we are discussing do not include the entire 196 million acre National Forest System or 74.5 million acres of condition class III areas, but instead address areas where we cannot allow endless delays. We do so without eliminating public recourse. There has also been speculation the language will do what Senator DASCHLE did and limit all appeals and judicial review. This is not true.

Critics also contend the amendment suspends environmental laws. That is also false. The amendment requires that projects be consistent with the applicable forest plans or resource management plans. I can tell you from experience that these site-specific plans take years of work with widespread public involvement and compliance with all of our environmental laws.

Protecting our environment and the opportunity for public involvement is a vital part of any actions on our public lands. Reducing the risk of fire is no exception. However, the imminent threat demands we act quickly and move past stalling tactics and countless delays.

Damage to our environment from these fires is acute. The harm to local economies is felt in many ways. It is clear our forests have deteriorated to the point where active management is a necessity. I hope my colleagues recognize that and will support the efforts of member's whose goal is to protect their communities and environment.

I encourage all of the Senators to vote against the cloture motion.

Mr. CRAIG. Madam President, I thank my colleague from Idaho for his very thoughtful presentation and his true expression of the real conditions on our forest lands.

I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Madam President, I thank my colleague, Senator CRAIG, who has spoken to the broader issue of the problem we face, and the firefighters. And Senator CRAPO elaborated on that some.

Let me speak for a moment about why I support the Craig-Domenici amendment from a local standpoint. It certainly provides a critical tool in doing the job that we know needs to be done. We know there are counter-proposals floating around. From my perspective, that does not accomplish what we need to have done.

Let me speak a couple of minutes about what happened near the town of Durango, CO. I live about 18 miles from