

use in something that will drive down housing costs and make some beautiful features. We need to be doing that. As I mentioned, they are paid to cut the trees, but they are paid to clean up the forests. So if you want to save a little bit of money, put people to work, and make sure we don't have the terrible waste because of fires, that is how we can do it.

I hope everyone will support this amendment. It is not the amendment I would offer. It is far too small. It doesn't begin to take care of the problem. But I ask that you support the amendment and consider all of these things we have been saying. At least give some counterarguments, if there are any counterarguments. When we do these cloture amendments which are designed to eliminate this amendment without a vote, I hope everybody will continue to oppose that too.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. Madam President, I ask unanimous consent to be allowed to speak as if in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### HOMELAND SECURITY

Mr. MILLER. Madam President, very shortly we will be back on the subject of homeland security. As this debate on homeland security goes on, I hope no one will forget that it is being held in the shadows of the fallen towers of the World Trade Center.

The smoldering fires may have gone out, the acrid smell may no longer burn our nostrils, the strains of "Amazing Grace" from the bagpipes may no longer fill the air, but, make no mistake about it, the need to protect this country and prevent this from ever happening again is just as urgent.

How does the Senate meet this, one of the greatest challenges of our time? I will tell you.

We talk and talk and talk. Then we pause to go out on the steps of the Capitol to sing "God Bless America" with our best profile to the camera. Then we come back inside and show our worst profile to the country.

I have not seen many cloture resolutions I did not like. I can't remember the last time I voted against one because I am almost always in favor of speeding things up around here.

Too often, the Senate reminds me of Will Shakespeare's words:

Tomorrow and tomorrow and tomorrow  
Creeps in this petty pace from day to day.

But the cloture vote that is before us now is one that I cannot support. We have wasted so many precious days, days that we could ill afford to waste, days that gave our enemies more time to plot their next attack. And now, all of a sudden, we want to invoke cloture to stop the debate in its tracks.

Well, I will vote "no." Because, make no mistake about it, invoking cloture

will prevent this Senate from having a choice, a choice between a bill the President will sign and one that he will veto.

We must give the President the flexibility to respond to terrorism on a moment's notice. He has to be able to shift resources, including personnel, at the blink of an eye.

So why do we hold so dear a personnel system that was created in 1883 and is as outdated as an ox-cart on an expressway?

I will tell you why. Because by keeping the status quo, there are votes to be had and soft money to be pocketed. That is the dirty little secret.

When the civil service was established well over a century ago, it had a worthy goal—to create a professional work force that was free of political cronyism.

Back then, it was valid. But too often in government we pass laws to fix the problems of the moment and then we keep those laws on the books for years and years without ever following up to see if they are still needed.

The truth of the matter is that a solution from the 19th century is posing a problem in the 21st, especially when this country is threatened in such a different and sinister way.

Presently, we are operating under a system of governmental gout and personnel paralysis.

Despite its name, our civil service system has nothing to do with civility. It offers little reward for good workers. It provides lots of cover for bad workers.

Hiring a new federal employee can take 5 months—5 months. Firing a bad worker takes more than a year—if it is even allowable—because of the mountains of paper work, hearings, and appeals.

A Federal worker caught drunk on the job can't be fired for 30 days, and then he has the right to insist on endless appeals.

Productivity should be the name of the game. And we lose productivity when bad folks hold onto jobs forever or when jobs go unfilled for months.

It is no wonder there is resentment among out many good employees. I would be resentful, too, if I watched bad workers kept on the payroll and given the same pay raises by managers who are intimidated by the complicated process of firing or even disciplining them.

A few years ago, there was a best selling book entitled, "The Death of Common Sense," written by a man named Phillip Howard.

I liked it so well and thought it was so on target that I gave all my agency heads a copy and had them read it. Then, I had Mr. Howard come to Georgia and speak to all of them.

Its thesis was that "universal requirements that leave no room for judgment are almost never fair, even when the sole point is to assure fairness," to use his very words. It is still very timely and even more pertinent to

the Federal Government than to State government.

President Bush has called his efforts to bring security to our Nation and justice to our enemies a "relentless march."

This Senator is ready to fall into formation with our President's "relentless march."

Because when it comes to protecting the jobs of Federal workers or protecting the lives of American citizens, I know where I stand.

This is a country with 8,500 miles of border; a country that 500 million people enter each year; a country where 16 million containers a year enter our ports from foreign countries, and where more than 1.2 million international flights occur.

The daunting task of securing this country is almost incomprehensible. Let's not make it more difficult by tying this President's hands and the hands of every President who comes after him.

Why are some automatically assuming that the folks who will run this Department will abuse their positions and mistreat Federal employees?

Instead of assuming the worst, why aren't we seeking to create the strongest, most efficient Department we can create?

And don't forget this: Many previous Presidents—beginning with President John F. Kennedy—have found it necessary to exempt agencies from unionization and collective bargaining systems when it was in the interest of national security.

Dozens of Federal agencies are currently not covered by the Federal Labor Management Relations Act: the CIA, the FBI, the Secret Service, the air marshals within the FAA, and the list goes on. And yet the tens of thousands of employees in these agencies have been treated fairly and well.

Today, there are some 800 pages in the Federal Code that already generously guarantee rights, benefits and protections for employees—800 pages worth.

Now, I respect and thank the many good, hard-working Federal employees. And I have tried to imagine myself in these workers' places at this particular time in history.

I am an old believer in that line by that wonderful Georgia songwriter, Joe South, "Before you abuse, criticize or accuse, walk a mile in my shoes."

But perhaps it is because I have worked for \$3 a day and was glad to have a job that I find their union bosses' refusal to budge for the greater good of this country so surprising.

Union politics may be important, but it should never take the place of national security. We are at a most serious time in the history of this land. Our country, our people are in mortal danger.

And as I look at what is transpiring around me, this old history teacher cannot help but think about what the timid and indecisive Neville Chamberlain was told by a Member of Parliament as he was being dismissed as

the Prime Minister of Great Britain. "You have sat too long for the good that you have done," the Member told him. "You have sat too long for the good that you have done."

I am sorry to say it, but on this question of homeland security, I believe that most Americans think that this Senate has sat too long for the good that we have done.

And as Chamberlain slunk away that historic day, the crowd shouted after him, "Go, go, go."

Then, you remember, Winston Churchill, who had been a voice in the wilderness warning for years about the threat of Hitler, became Prime Minister.

And in that famous speech to Parliament in May of 1940, he uttered those famous words, "I have nothing to offer but blood, tears, toil, and sweat."

Madam President, what does this Senate have to offer? What do we have to offer in this time of crisis? How about a little bipartisanship, perhaps? That is not too much to ask, is it, compared to blood, tears, toil, and sweat?

Because, as Churchill continued in that speech, "We have before us an ordeal of the most grievous kind." We certainly have that today, an ordeal of the most grievous kind.

Churchill went on:

We have before us many long months of struggle and of suffering. You ask what is our policy?

I will say: It is to wage war, by sea, land and air with all our might and with all the strength that God can give us; to wage war against a monstrous tyranny, never surpassed in the dark, lamentable catalogue of human crime. That is our policy.

You ask what is our aim? I can answer in one word—victory—victory at all costs, victory in spite of all terror, however long and hard the road may be; for without victory there is no survival. Without victory, there is no survival.

And then Churchill said this:

At this time I feel entitled to claim the aid of all, and I say "Come, then let us go forward together with our united strength."

Then, Clement Attlee, the leader of the opposing Labor Party, joined with Churchill as his Deputy Prime Minister and they worked together during the course of the war.

Why can't we have something like that around here now? Is that too much to ask when we are in a death struggle for the soul of mankind?

So, Madam President, I have made my choice. When it comes to choosing between an aged, arthritic civil service system filled with stumbling blocks and booby traps, or an agile agency that is nimble and responsive on the other, this American stands with his President.

I have made my choice. When it comes to choosing between real homeland security that protects somebody's life or homebound insecurity that protects somebody's job, this American stands with his President.

Deep down, I know that I am not the only one on my side of the aisle who feels this way. And I hope that I will

not be the only one on my side of the aisle who votes with the President.

Seldom has there been—on any issue—a greater need for united, bipartisan support to make that "relentless march" to bring security to our Nation and justice to our enemies.

Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I have been in Congress for 24 years, and I have never heard a better speech. I have never heard a clearer statement of principle. I congratulate the Senator from Georgia.

Tomorrow, the Senator from Georgia and I will announce the completion of an effort we have had underway for several weeks. We will try to look at concerns about the President's bill that have been raised in the House, we will try to look at concerns that have been raised in the Senate, we will try to look at changes that were made in the House bill and the Senate bill, and even try to come up with a bill that addresses those concerns, but does it in such a way as to protect the President's ability to fight and to win this war on terrorism.

Also, Madam President, let me make it clear: When 9/11 happened and the President decided he wanted to create a new independent agency by taking parts of the Government that were not working together, that were not communicating effectively, and putting them into a coherent whole, I would have thought 100 Members of the Senate would have supported that effort.

I was wrong. If anybody had told me that in light of 9/11, the death of thousands of our people and the imminent danger we face every day that we would have an effort in the Senate to actually take power away from the President. This is power that President Carter had, power that President Reagan had, power that President Bush had, power that President Clinton had, and power that President Bush has today, I wouldn't have believed it.

Who would believe that a bill that could not have been passed before 9/11, a bill that literally strips away the power of the President to designate a national emergency and in the process waive work rules that impede efficiency and jeopardize lives? Who would have believed, after thousands of our citizens were dead, after millions of our citizens are in danger, that the Senate would come forward with a bill that says: What is our response to 9/11? Our response is the President has too many national security powers.

That is exactly what the Lieberman bill does.

Incredibly, the President today has the power, in the name of national security, to set aside union work rules.

The majority leader said yesterday:

Show me one time in history when the circumstances threatening our country demanded we forgo the protections built into laws for Federal workers.

Well, let me give you, very quickly, some concrete examples of exactly why, after 9/11, we need to preserve the powers the President has today. Let me remind my colleagues, today, prior to 9/11, the President had used these powers, as President Clinton did, to set aside union contracts in the FBI, the CIA, the National Security Agency, the Air Marshals Office of the Federal Aviation Administration, the Office of Criminal Enforcement, and the Office of Enforcement and Intelligence at the Drug Enforcement Agency.

Workers in those offices today are working under the procedures the President has asked that he be allowed to continue to exercise.

What kinds of problems do you run into with these silly union work rules? Let me say to my colleagues, I don't see how anybody with a straight face can stand on the floor of the Senate and defend the civil service system as it exists today, when you are talking about threats to the lives of our children and our families. It is not as if we have not been warned. The Grace Commission warned us. The Volcker Commission stated:

The current system is slow. It is legally trampled and intellectually confused. It is impossible to explain to potential candidates. It is almost certainly not fulfilling the spirit of our mandate to hire the most meritorious candidates.

That is Paul Volcker, and that is in 1989.

Our colleague, Senator Rudman headed the U.S. Commission on National Security. We all know Warren Rudman. We all know he is no union basher. We all know he has good judgment and good sense. This is what he said:

Today's Civil Service system has become a drag on our national security. The morass of rules, regulation and bureaucracy prevent the government from hiring and retaining the workforce that is required to combat the threats of the future.

I could go on. For example, the Brookings Institution has shown study after study that the system is broken.

Now, after giving President Carter, President Reagan, President Bush, President Clinton, and the current President Bush the power to set aside these union work rules for national security reasons, and after the events of 9/11, the majority brings forth a bill that says: Well, we gave this power to President Clinton and we gave the power to President Carter, but after 9/11, we are going to take away security powers of the President.

That is offensive and ludicrous on its face, and when the American people discover it, they are going to go absolutely crazy. When they discover that we currently have eight agencies operating under these rules today, and the Congress, in its response to 9/11, wants to say: Well, we are going to take away powers from this President that President Clinton needed and President Carter needed—I don't think so. I don't think people are going to buy it.

What kinds of impediments are we talking about? Well, let me touch a few. These are actual cases. I am not talking about theoretical cases. The majority leader says, show him examples of where these work rules interfere with national security. Let me quickly give you a handful of them.

We had an effort in Customs, in 1987, to change the makeup of our inspection center in the Customs office at Logan Airport. The idea was, change the makeup of the office in order to make it more efficient in fulfilling the functions of Customs. Guess what? Customs tried to change the configuration of the room. The public employee labor union, representing Customs officials, appealed to the Federal Labor Relations Authority, and the power of the Administration to change the configuration of the inspection room was rejected.

Do we really want some work rule negotiated prior to 9/11 to prevent us from finding somebody who is carrying a bomb on a plane with your momma? Have people gone completely crazy? What is going on here?

Let me touch on a couple of these. Union work rules prohibited an agency from working together to protect the border. Literally, as our former drug czar Barry McCaffrey pointed out, the union work rules prohibited one of the agencies from opening trunks. The drug smugglers were aware of it, had people at the border watching, and decided to move drugs based on those work rules.

What if that is poisonous gas or biological weapons or a nuclear weapon coming into New York Harbor? We are going to go to the National Labor Relations Authority to renegotiate a union contract when millions of lives are at stake? I don't think so. And the idea that our colleagues would believe such a thing is possible just shows you how out of touch some people are with their commitment to the status quo as compared to their commitment to the job at hand.

Very quickly, because I am running out of time, there was a prohibition of agencies for increasing the number of immigration inspectors. We had an effort to increase the number of inspections of immigration inspectors in 1990. And under union work rules, it was rejected because of a union contract.

Do people really think, in light of 9/11, we should allow a union contract to stand in our way and spend months and months and months before the National Labor Relations Authority trying to change that contract, rather than saying there is a clear and present danger to America and we want to change it today?

Now, the President has that power. But under the Lieberman bill, that power would be taken away. I could go on and give you dozens of real-life examples of how ridiculous these union work rules are. Look, if we were not talking about people's lives, we could all play this game of just saying how

sacred these union work rules are that make our Federal Government the laughingstock of the country and the world. But when we are talking about lives and talking about the powers that four Presidents have had, the idea that we are going to take that power away from this President, at this time, is totally unacceptable.

To add insult to injury, the President has asked for flexibility. He has asked for the right to promote good people and put them in the right place, and not wait 5 months to hire somebody, and to fire incompetents. The President cannot promote the lady from the FBI who sent a memo to the home office saying: Hey, we have people with terrorist links who are learning to fly planes and not land them, and maybe we ought to do something about it.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 a.m. having arrived, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m. with Senators permitted to speak therein for up to 10 minutes each.

Mr. GRAMM. Madam President, I ask unanimous consent to speak for 10 minutes.

Mrs. BOXER. I object. I ask if the Senator can complete in 5 minutes.

Mr. GRAMM. Yes, I can do it in 5 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Madam President, the President wanted the ability to do things such as promote that FBI agent because, had we been able to get through that massive, incoherent system in which we are working, we might have prevented the attacks.

I also think we might want to fire the people at INS who gave visas to the people who had flown a plane into the World Trade Center after their picture had been on every television in the world and on the front page of every newspaper.

We have, as a Senate, approved those flexibilities, those powers, for the Transportation Security Administration, the Internal Revenue Service, the FAA, and we did that prior to 9/11. But after 9/11, we are told that the President, under national security circumstances, with a declaration of a clear and present danger to our people, cannot have the kind of flexibility in homeland security that we gave to a previous President for the Internal Revenue Service. To make the Internal Revenue Service more responsible, we gave President Bill Clinton, personnel flexibility. But now, to protect the lives of our people in homeland security, are we not willing to give the same flexibility to President Bush?

When the American people finally discover what is going on here, they are going to be outraged, and they are going to discover it because, despite

our best efforts of saying let's work together, let's do this on a bipartisan effort, it is clear now that there is going to be a battle. It is clear now that we are going to have to choose between the status quo, the old way of doing business, and the health, safety, and lives of our people.

The choice is as stark as a choice can be. The bill that is before us literally takes power away from the President that every President since Jimmy Carter has had to use national security waivers. It takes that power away from the President in the aftermath of 9/11. The American people will never understand that, and they will never accept it. They will never accept a compromise on it.

When the American people realize we were concerned enough about the Internal Revenue Service's operation that we gave President Clinton personnel flexibility to hire and fire and promote, because we thought it was important, but we are not willing to give President Bush the same flexibility to protect the lives of our people, I don't think they are going to take kindly to that.

The plain truth is that we have a bill before us that protects everything except national security. It protects every special interest group in the American Government. The plain truth is, the people who work for the Government want these changes. An OPM poll looking at accountability in the Federal Government. By very large margins, two-thirds of the people who are Federal workers believe that Federal performers are not adequately disciplined. Nearly half of all workers believe job performance has little or nothing to do with promotion and raises, and 99 percent of people who got bad evaluations last year in the Federal Government got pay raises. When we are talking about national security, when we are looking at the aftermath of 9/11, it is time for change. It is not time for the same old special interests.

So what we are asking, in essence, is very simply—and I will conclude on this—let this President keep the power that every President since Jimmy Carter has had, which is to use national security waivers. That hardly seems extreme given the attack on America and the deaths of thousands of our people. Give this President the same flexibility in national security and homeland security that we gave Bill Clinton with the Internal Revenue Service. If that sounds extreme, you are looking at things differently than I.

The PRESIDING OFFICER. Under the previous order, the first half of the time is under the control of the majority leader or his designee, and the second half of the time is under the control of the Republican leader or his designee.

Mr. REID. Madam President, my friend from Texas got an extra 5 minutes. I ask that it be charged against the Republicans' time in morning business.