

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.

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

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

The PRESIDING OFFICER. The Senate will now continue with the Department of the Interior appropriations bill.

The pending Craig amendment will be temporarily set aside.

The Senator from California is recognized.

AMENDMENT NO. 4573 TO AMENDMENT NO. 4472

Mrs. BOXER. Madam President, I send an amendment to the desk. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. INOUE, and Mr. CAMPBELL, proposes an amendment numbered 4573 to amendment No. 4472.

The amendment is as follows:

(Purpose: To prohibit the use of funds to determine the validity of mining claims of, or to approve the plan of operations submitted by, the Glamis Imperial Corporation for the Imperial project in the State of California.)

On page 64, between lines 15 and 16, insert the following:

SEC. 1. IMPERIAL PROJECT.

Notwithstanding any other provision of law, none of the funds provided by this Act or under any other Act may be used by the Secretary of the Interior to determine the validity of mining claims of, or to approve the plan of operations submitted by, the Glamis Imperial Corporation for the Imperial project, an open-pit gold mine located on public land administered by the Bureau of Land Management in Imperial County, California.

Mrs. BOXER. This amendment would prohibit the use of funds to determine the validity of mining claims of, or to approve the plan of operations submitted by, the Glamis Imperial Corporation for the Imperial project in California. It has been cleared by the leaders, and I thank them very much. I ask that the Senate adopt it at this time.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4573) was agreed to.

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

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4574 TO AMENDMENT NO. 4472

Mr. BURNS. Madam President, I send to the desk an amendment for Mr. BROWNBACK of Kansas and ask for its consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. BROWNBACK, proposes an amendment numbered 4574 to amendment No. 4472.

The amendment is as follows:

(Purpose: To clarify the effect of certain provisions on the application of a Federal appellate decision and the use of certain Indian land)

On page 64, between lines 15 and 16, insert the following:

SEC. 1. EFFECT OF CERTAIN PROVISIONS ON DECISION AND INDIAN LAND.

(a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in *Sac and Fox Nation v. Norton*, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

Mr. BURNS. Madam President, this amendment provides that nothing in section 134 of the fiscal year 2002 Interior bill shall impact ongoing litigation involving the Department of the Interior and the Sac and Fox Nation. This language has previously been passed by the Senate and addresses the inadvertent impact of language adopted in conference on the fiscal year 2002 bill. I recommend its adoption.

Mr. REID. There is no objection on this side.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 4574) was agreed to.

Mr. BURNS. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask that now we move to morning business.

Mr. BURNS. Madam President, I ask unanimous consent that on completion of morning business, the Craig amendment be the pending business when we reopen discussions on the appropriations bill.

Mr. REID. Reserving the right to object, would that be the order anyway?

The PRESIDING OFFICER. That is the order.

Mr. BURNS. I did not know.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period for morning business as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate is in a period for morning business.

The Senate majority leader.

Mr. DASCHLE. Madam President, I will use my leader time. I ask unani-

mous consent to extend the time, should that be required, to complete my presentation this morning.

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

**THE STATE OF ECONOMIC
SECURITY**

Mr. DASCHLE. Madam President, we had a very good discussion this morning with the President talking about national security in several contexts—of course, the war on terror and the important challenges this country faces in continuing to make this country and the world a safer place in which to live. The arrests over the weekend and the cooperation we got from Pakistan ought to be particularly noted, and we ought to thank the Government of Pakistan for their cooperation. We talked about that this morning.

We talked about Iraq and the threat it poses to us. We talked about the need for cooperation when dealing with the threats posed by Iraq, not only within the Congress and the country, but in the international community. So we had a very good discussion about national security, and I believe it ought to be uppermost in the minds of all people, and certainly the Congress as we continue to complete our responsibilities in the second session of the 107th Congress.

Let me also say, just as we properly recognize the threat that exists in more traditional national security areas, we, as a country and particularly as a government, would be remiss in our responsibilities were we not to address economic security, were we not to recognize the peril this country is in economically. So, in addition to acknowledging the importance of our defense activities, I also wanted to come to the Chamber this morning to express my concern for the lack of attention paid to the state of economic security, to express the concern that many of us have with regard to what has been a very unfortunate, some would even say tragic, economic trend in this country over the course of the last 18 months.

I have a number of charts that reflect more graphically some of these concerns, and I want, if I may, to walk through some of them at this time.

If we look at the record of this administration over the past 18 months, perhaps it is best summarized in the very first chart: Record job losses; weak economic growth; declining business investment; falling stock market; shrinking retirement accounts; eroding consumer confidence; rising health care costs; escalating foreclosures; vanishing surpluses and higher resulting interest costs; raiding the Social Security trust fund; record executive pay; and stagnating minimum wage.

If you were going to use the shortest list with the greatest concern, this chart is it.

Let me go through many of these individual concerns a little more thoroughly. Over the last 2 years—actually