

world's greatest deliberative body; do your absolute best to serve this Nation with honor and decorum; and strive to keep the U.S. Senate the proud, historic and distinguished body of government it has been since the birth of this blessed Nation.

As I close out my public service career, I again thank my constituents, my colleagues, my staff and my family. May God bless each of you, the U.S. Senate, and God bless the United States of America.

I love all of you, and especially your wives.

EXHIBIT 1

SENATOR STROM THURMOND STAFF LIST

Duke Short, Chief of Staff and Administrative Assistant.

Holly Richardson, Executive Assistant.

Mark Ivany, Personal Assistant.

Eliza Edgar, Assistant to the Chief of Staff.

Erin Goodin, Receptionist.

Walker Clarkson, Receptionist.

PRESS/PUBLIC AFFAIRS

Becky Fleming, Press Secretary.

Emily Dorroh, Press Assistant.

RECORDS

Les Sealy, Office Manager and Systems Administrator.

David Black, Assistant Office Manager.

PROJECTS

Bill Tuten, Projects Director.

John Hawk, Projects Assistant.

Kevin Smith, Projects Assistant.

Michael Bozzelli, Projects Assistant.

Melissa Kiracofe-Low, Projects Assistant.

GENERAL LEGISLATION

David Best, Legislative Director.

Ernie Coggins, Legislative Assistant.

James Galyean, Legislative Assistant.

Helena Mell, Legislative Correspondent.

Ashley Hurt, Legislative Correspondent.

MILITARY CASEWORK

Matt Martin.

JUDICIARY SUBCOMMITTEE ON THE CONSTITUTION, FEDERALISM AND PROPERTY RIGHTS

Scott Frick, Chief Counsel.

Melinda Koutsoumpas, Chief Clerk.

ARMED SERVICES

George Laufer, Military Assistant.

PRESIDENT PRO TEMPORE, EMERITUS

James Graham, Staff Assistant.

THURMOND STATE OFFICES

Columbia: Warren Abernathy, State Director; Jeanie Rhyne; Valerie Gaines; Lind Morris; Michelle Quinn; and Christie Humphries.

Aiken: Elizabeth McFarland.

Charleston: Patricia Rones-Sykes.

Florence: Raleigh Ward and Kathryn Hook (Volunteer).

RECESS

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

Thereupon, at 12:43 p.m., the Senate recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. REID).

HOMELAND SECURITY ACT OF 2002—Resumed

AMENDMENT NO. 4694

The PRESIDING OFFICER. Under the previous order, the Senator from

Connecticut is recognized for 7½ minutes.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I am pleased to urge adoption of the amendment offered by Senator McCain and ask that the vote be taken by the yeas and nays.

The PRESIDING OFFICER. Is the Senator asking for the yeas and nays on the amendment?

Mr. LIEBERMAN. That is correct.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I rise to discuss briefly my vote on the September 11 Commission. I joined in the amendment proposed by my good friends from Connecticut and Arizona because it is the right thing to do. Sitting as I do on both the Judiciary and Intelligence Committees, it has become clear to me over the past year that many different causes contributed to the horrific terrorist attacks on September 11. I have become convinced that we need to take a hard look at how this tragedy happened in order to better understand how we might avoid a similar tragedy in the future. hindsight is, indeed, 20-20, and we may be able to profit from a detached and objective analysis of mistakes that may have been made in the days and months before that attack. We need to learn from our mistakes. The stakes are simply too high to bury them.

While I believe that a September 11 Commission should be appointed, I also think that the administration should have some voice in its makeup. The amendment establishes a 10-member commission with all of the 10 members appointed by the majority and minority leaders of Congress. It is fitting that Congress play a large role in defining the membership of this Commission, but it is striking to me that the Administration has no voice at all. Just as this Commission was approved by strong bipartisan support, so too should its task be apolitical. In this spirit, I would call upon my colleagues to think seriously about providing the administration with some role in defining the Commission.

Mr. KYL. Mr. President, as a member of the Select Committee on Intelligence, I have had reservations about creating an outside commission to investigate 9/11 as called for in this amendment. My reservations have essentially been twofold: First, the Intelligence Committees were given the responsibility to look into this very matter, so an additional investigation would be duplicative and place additional stress on our intelligence community at a time when its resources should be dedicated to fighting the war on terrorism.

Second, we had every reason to believe that the joint committee investigation would do its job that is, find out what went wrong, why it went wrong, and how we can reform the intelligence community to try to prevent future such failures.

Sadly, it appears that the joint committee will fall short of that goal. In the Intelligence Committee, I have expressed serious reservations about the direction of the investigation, including the allocation of time and resources to holding premature open hearings.

Last week, the joint committee held public hearings in spite of not having completed its investigation. In fact, what was presented last week was only a staff document, not a consensus product of the committee. Members had no practical input into this interim report.

The interim statement from the joint inquiry staff provided information about what has been done to date, a chronology of events leading to the September 11th attacks, and some background information about al-Qaida. This history may be useful, but it does not address the questions that are fundamental to this investigation.

In the committee, we heard from more than one witness that at least some of the problems in the intelligence community stem from a bureaucratically and politically-induced culture of risk aversion and/or an inadequate allocation and improper prioritization of resources. Yet, it is not evident that the joint committee inquiry is serious about pursuing these fundamental questions.

For these and other reasons, it will be difficult for me to concur in the final joint committee product without reservations. We will not know what we haven't been told. Therefore, we will not be able to vouch unequivocally for the final product.

And, of course, these are the very questions that have led to calls for the creation of a national commission to investigate these matters, and, hence, to this amendment. Reluctantly, I have come to the conclusion that it is necessary. If its work starts after the Joint Intelligence Committee investigation has concluded, there should be no duplication or additional stress on the entities required to cooperate in the investigation.

Mr. President, because of the inadequate course being taken by the Joint Intelligence Committee investigation, and because the imposition of that investigation on our intelligence apparatus will be ended by the time this commission begins its work, I will support the creation of the commission.

Mr. LIEBERMAN. Mr. President, I have had the chance to speak about the urgent necessity of this independent commission to review the causes of the tragic events of September 11. It responds to the public interest by creating the best possible Department of Homeland Security to close the gaps that existed prior to that. The joint intelligence committees have done excellent work that led to disclosures that cry out to us for further investigation by our intelligence apparatus—and some other aspects of our Government that created the vulnerabilities which

enabled the terrorists to strike at us last September 11.

There is very little time available.

I yield 2½ minutes to my colleague from Pennsylvania and 2½ to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Connecticut for yielding time.

Immediately after 9/11, I opposed the creation of an independent commission because at that time I believed the appropriate investigation should be conducted by the Intelligence Committees of the two Houses and that there ought to be a period for the intelligence community to regroup after 9/11.

As matters have eventuated, it has not been possible for the joint investigation by the Senate and House Intelligence Committees to be completed. We are now nearing the interim term, and that is why I now believe an independent commission would be the thing to do.

When the so-called leak occurred and the Intelligence Committees invited the FBI to conduct an investigation, I thought that was very inadvisable, and by a letter dated June 24, I wrote to the chairmen and vice chairmen of the committees of both Houses saying in effect that it was unwise to have the Intelligence Committees investigating the FBI when the FBI was investigating the Intelligence Committees; that as a matter of separation of powers, it is highly undesirable to have the executive branch investigating congressional oversight; but if they believed it was necessary, a better approach would be to hire independent counsel, as the Judiciary Committee did when a leak occurred during the confirmation hearings of Justice Thomas.

But it is evident at this point that the Intelligence Committees are not going to finish the job, that there are very vital issues to be determined as to the lapse on 9/11, and that on the basis of the current record, had the dots been connected, there is a veritable blueprint where 9/11 might have been prevented and the best approach now is to work through the commission.

I ask unanimous consent that my letter be printed in the RECORD, and I thank my colleague from Connecticut and yield the floor.

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

U.S. SENATE,
Washington, DC, June 24, 2002.
Senator BOB GRAHAM,
Chairman,
Senate Select Committee on Intelligence.
Senator RICHARD C. SHELBY,
Vice-Chairman,
Senate Select Committee on Intelligence.
Congressman, PORTER J. GOSS,
Chairman,
Permanent Select Committee on Intelligence.
Congresswoman NANCY PELOSI,
Vice-Chairwoman,
Permanent Select Committee on Intelligence.
DEAR BOB, PORTER, RICHARD, AND NANCY. I have noted the press reports of Friday, June

21, 2002, that the two Congressional Intelligence Committees had asked Attorney General John Ashcroft to see if congressional sources were improperly releasing classified information. That article said: "Asked if lawmakers would be open to interviews and polygraph tests conducted by the bureau, Mr. Goss said, 'We will cooperate with the FBI in every way possible'."

For two important reasons, I urge you not to proceed in that manner; but instead to pursue a congressional inquiry, perhaps with outside counsel or through the House and Senate Ethics Committees.

My concerns are:

(1) I believe it is inappropriate and unwise to have the FBI investigate the Intelligence Committees when the Intelligence Committees are investigating the FBI. That approach raises the inevitable question as to whether there would be reciprocal pulling of punches to avoid a tough inquiry by the other investigators; and

(2) I believe it is undesirable and unwise from a "separation of powers" consideration to invite the Executive Branch to investigate the Legislative Branch. If there is a prima facie showing of wrongdoing by a member of the Senate or House, then the Department of Justice has the established authority to investigate; but this situation would invite a widespread, open-ended questioning of everybody who had access to the so-called leaked information. In such an inquiry, it might be very difficult for members to decline to be polygraphed; and if members agreed to be polygraphed, that would set a dangerous precedent for the future when the Executive Branch might seek retribution from or pressure on a member.

During the 104th Congress when I chaired the Intelligence Committee, the Committee conducted internal inquiries where concerns arose over improper disclosures of classified material. If such an internal inquiry is deemed insufficient, your Committees could proceed to hire outside independent counsel, as the Judiciary Committee did on leaks in the confirmation hearings of Justice Clarence Thomas where Judiciary Committee members were then questioned, or you could ask the House and Senate Ethics Committees to investigate.

I know Committee members face a difficult and touchy situation in this matter but I suggest you reconsider an investigation by the FBI with the attendant potential for polygraph tests.

Sincerely,

ARLEN SPECTER.

The PRESIDING OFFICER (Mr. CLELAND). The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, 3 months ago I would not have been on the floor supporting the establishment of a commission to look into our Government's failure to detect and prevent the attacks on September 11.

Three months ago I believed very strongly that the Intelligence Committees of the House and Senate were not only capable of examining our Government's failures and vulnerabilities but were obligated to do so.

I believed then that if we dedicated the necessary time and resources, we would be able to conduct a thorough and comprehensive inquiry. And I think we have made a lot of progress.

Now that we are rapidly approaching the end of the year and the end of this Congress, I am increasingly concerned that the joint effort of the House and

Senate Intelligence Committees will not be able to complete such an inquiry.

Our scope is not broad enough. It is confined to the intelligence aspects—not to FAA, and not to immigration and other aspects.

We now know that our inability to detect and prevent the September 11 attacks was not only an intelligence failure of unprecedented magnitude, it was a failure of our entire Government to protect and defend the American people.

I am now convinced that an accounting on behalf of the victims, the families left behind, and the American people must include a comprehensive examination of how every relevant agency of our Government performed or failed to perform prior to the attacks.

The House and Senate Intelligence Committees have been at work for approximately 6 months. We are making progress, but we are far from done.

Our Committee began with high aspirations, but we soon stumbled. We had some early staffing difficulties along with some false starts on our hearing schedule.

Early on, our inquiry turned up only information that provided to us. Our separate joint staff was dependent upon the information provided by our intelligence agencies, which were reluctant to cooperate fully.

While our joint staff was working in the agencies, they were often isolated in rooms constantly monitored by agency staff. Agencies refused to circulate the joint staff's contact information and forbade them from meeting with anyone without agency supervision.

While our staff was allowed to view large quantities of documents, they were not allowed to make copies of all of them. Therefore, the process of documenting certain events became very onerous and time consuming.

Other agencies refused to allow the joint staff to interview key individuals. They were told that they could speak to supervisors and more senior personnel who often knew few, if any, details.

Many of these problems were ultimately worked out, but that took precious time, time we did not have. Some of the problems persist today. For example, we are often arguing with agencies about who may or may not appear before our committees as late as the day before they are scheduled to appear. Witnesses are requested, refused, requested again, granted and then, at the last minute, refused again.

There also remains a body of documents that the Director of Central Intelligence refuses to allow the committees to retain.

Much of the information that we gather is classified. The process of declassification has taken an inordinate amount of time. Often we are still in the process of determining what we can discuss publicly moments before a hearing.

It is this type of interaction that cannot be completely characterized as uncooperative but is, nonetheless, extremely counterproductive and has slowed the progress of this investigation. We are, however, making progress.

The staff has reviewed many thousands of documents, but they have many thousands yet to review.

They have interviewed many people, but there are many yet to interview.

In fact, it is still very difficult even to determine how far we have come, and almost impossible to tell how far we have yet to go.

I have been a part of many investigations in my career but none has been as important as this one. Almost 3,000 Americans have been murdered, and perhaps thousands more innocent lives hang in the balance every day. Our joint investigation must be thorough, comprehensive and complete. I want it to be a success.

To be a success, however, an inquiry needs time and resources. If you limit either one, your chances of success diminish significantly. Unfortunately, we have a short supply of both and I am afraid that we are beginning to reap the results.

From the outset, I argued strongly that our committees should avoid setting arbitrary deadlines. Deadlines are an invitation to stonewalling and foot-dragging, and we have seen some of both in our effort.

I have also said many times that agencies under the congressional microscope are generally not motivated to cooperate. To be thorough, we must be able to identify and locate relevant information, retrieve it, and then analyze it in the context of all of other information we have gathered. This is inevitably a difficult and time-consuming undertaking.

Because we have only one to three staffers actually focusing on any particular agency at any one time—and because so much of our joint inquiry staff resources are tied up in producing hearings—it has become exceedingly difficult to be as thorough and probing as we need to be.

At this point, I do not believe we will be able to complete the job the American people expect us to do. However, I expect us to do a credible job and to lay the predicate for future investigations.

While I continue to work on the joint effort, I believe ours must be a prelude to a more comprehensive inquiry. Therefore, I intend to support the creation of a commission, and I urge my colleagues to do the same this afternoon.

THE PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, I know the Senator from Connecticut, Mr. LIEBERMAN, has more to say. I don't believe there is anyone speaking in opposition to this amendment. The Senator from Connecticut, Mr. DODD, was here earlier this morning to speak about STROM

THURMOND. He was squeezed out by the majority leader, the Republican leader, Senator BYRD, Senator HOLLINGS, and others. I therefore ask unanimous consent that when the Senator from Connecticut finishes his few minutes, Senator DODD be recognized using the 7½ minutes in opposition to this amendment and 2½ minutes, for a total of 10 minutes, to speak as if in morning business prior to the vote.

THE PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I do not object to my colleague from Connecticut speaking. I want Senator REID to know I would not be surprised to see the Senator from Arizona, Mr. MCCAIN, a cosponsor of the amendment, on the floor hoping to say a few words. I will be mindful of that.

The creation of a Department of Homeland Security, in which we're now engaged, is an urgent investment in the present and future safety of America. We need to take this step, and we need to take it now.

But even as we do, we must recognize that we're acting on an incomplete picture of the problems that need to be fixed. We're relying on partial and sporadic reports about how the government failed to meet the challenge of securing our homeland pre-September 11.

When the new department gets up and running, we owe it to ourselves, and to the country we're striving to secure, to give it as complete and independent an assessment as possible of what went wrong before September 11 and why. If we don't come to terms with the whole truth by looking back at what happened, we can never move forward with the knowledge and confidence we need to set things right.

Since September 11, all of us, and particularly the families of the victims, have been subjected to the wrenching process of learning about their government's failures through a tortuous trickle of leaks and soundbites.

All of this has hurt the nation psychologically by increasing anxiety and feeding speculation, leaving doubts about whether our government has come to terms with the full scope of the failures that allowed those terrible attacks to succeed. It has also damaged our spirit by turning almost every revelation into a regrettable volley of charges and counter-charges. And it has hurt us practically by failing to give us a clear, clean picture—with perspectives, context, nuance and shades of gray—of what agencies failed, how they failed, and why. As we begin to build a Department of Homeland Security, we will need that picture to make sure we do it right.

I do want to pay tribute to the joint House-Senate Intelligence Committees, which have uncovered valuable and disturbing evidence of the intelligence community's failure to share and capitalize on information about the hi-

jackers, in the months preceding September 11.

As Senator JOHN MCCAIN and I see it, a non-political, blue-ribbon commission would build on the joint committees' work—reviewing their findings and continuing to explore areas they touched on—as part of a sober, comprehensive inquiry into all our pre-September 11 institutional shortcomings.

I also must add that I was enormously gratified last Friday when the administration reversed its longstanding opposition to creating an independent commission. Last November, even before we began drafting a bill, Senator MCCAIN and I wrote the President inviting him to work with us. Since we never heard back, we introduced legislation in December. In the intervening months, we held an informative hearing on the proposal, reported it out of the Governmental Affairs Committee, which I am privileged to chair, and eventually won the backing of 22 co-sponsors from both parties. As was the case with creating a Department of Homeland Security, I welcome the administration's support—regardless of when it arrives.

Since Friday, we have entered into discussions with the administration, which requested a variety of changes. Assuming passage of the amendment today, we will gladly continue these talks.

This amendment is based on S. 1867, legislation I introduced with Senator MCCAIN on December 20 of last year. The legislation has been revised as it made its way through the legislative process. The Committee on Governmental Affairs heard from a distinguished panel of witnesses at a February hearing. The witnesses, all of whom had served on past commissions, recommended an inquiry by an independent commission into the September 11 terrorist attacks. The bill was reported out of committee by voice vote on March 21 of this year. I refer my colleagues to the committee's written report, no. 107-150, for a fuller explanation of the legislation's, and this amendment's, context, purposes and justification. The bill reported out of committee contained some changes from our original version. Several of those changes were the result of our discussions with Senator TORRICELLI, who had introduced a similar bill with Senator GRASSLEY and others. Others were the result of the recommendations of our hearing witnesses and extensive consultations with experts.

Last Thursday I described several ways in which the amendment we are voting on today differs from S. 1867, the bill that was reported out of committee. The amendment would ensure an even division between Republicans and Democrats in choosing commission members—with the majority parties in the Senate and the House receiving three picks each, while the minority parties in each house get two picks each. This is the configuration of an

equivalent commission recently created by the House, and it has other notable precedent, in the form of the National Commission on Terrorism, created by Congress in 1999, and headed by former Ambassador Paul Bremer.

There are three other changes from the text of S. 1867. The amendment emphasizes that the Commission should build upon the work of Congressional committees and other inquiries, especially the joint inquiry of the Senate and House Intelligence Committees regarding the terrorist attacks. We do not by any means intend this change to suggest that the Commission should avoid looking at specific issues related to intelligence just because the Committees had investigated the same issues. Rather, the Commission should use the Committees' fine report as a resource, as it continues to review the role of the intelligence community.

The amendment also provides that the Vice Chairperson of the Commission, in addition to the Chairperson and others, can issue subpoenas. The amendment envisions a Vice-Chairperson with powers and responsibilities essentially equivalent to that of the Chair. This model worked very well in the case of the National Commission on Terrorism. Finally, the amendment makes technical improvements to the bill's alternative subpoena enforcement mechanism.

As Senator MCCAIN and I envision it, the commission would have purview over a broad range of areas. Of course, it would examine intelligence shortcomings, which are at the very core of our failure to anticipate September 11th. But it could also scrutinize a variety of other factors—law enforcement, immigration and border control, foreign policy, commercial aviation, for example—before recommending reforms.

Commission members would be private citizens—not elected officials—with expertise in a range of subjects related to what went wrong on September 11th. And the commission would have subpoena power and the right to meet in private session. It would also have enough time, a top level staff, ample investigatory powers, and adequate funding to perform its job properly.

We are not interested in using this commission to point fingers across the room. I hope and believe that an independent commission will make the government as a whole look in the mirror. After all, it is our common security, and improving it is our common responsibility.

We have a history of learning from history. America's first day of infamy, Pearl Harbor, was followed both by congressional investigations and by an independent commission. In the wake of other national tragedies—the assassination of President Kennedy, for example, and the Challenger explosion—similar independent investigations were launched immediately.

In the last two decades, investigative panels were convened after devastating

terrorist attacks against U.S. military and diplomatic facilities, including the Marine barracks in Beirut; Khobar Towers in Saudi Arabia; U.S. embassies in Kenya and Tanzania; and the USS Cole. In 1989—after months of pressure from Congress and families of victims—the first President Bush created a commission to investigate the Pan Am bombing over Lockerbie, Scotland.

Essential lessons were learned from each of these inquiries, and the inquiries represent a recognition in the value of immediately reviewing terrorist attacks, to provide vital information about possible vulnerabilities which could be corrected. The commission we propose would build on those examples.

I have heard the criticism that recommendations of commissions are not followed, and therefore the modest expense in establishing them is not justified. Yet past commissions, with a small investment of resources, have had a real impact. Just ask Donald Rumsfeld: the Commission to Assess the Ballistic Missile Threat to the United States, which he chaired, recast our assumptions about the ballistic missile threat. What better evidence can there be than the homeland security legislation we are debating today, modeled closely on the recommendations of the prescient Hart-Rudman Commission? The National Commission on Terrorism issued a litany of policy prescriptions ranging from domestic law enforcement to intelligence to foreign policy—a number of those immediately passed the Senate, and more have been implemented since the September 11 attacks. And if in the past we had been lulled into complacency that we were safe against terrorism within our borders, how can anyone doubt that the enormity of the September 11 attacks will not keep this nation focused on what needs to be done?

At our Governmental Affairs Committee hearing on the commission bill in February, Columbia University Professor Richard Betts, who served on the National Commission on Terrorism, said an independent commission is important because it would conduct a quote “sober investigation that the public could have confidence in as objective as humanly possible.” This is our goal.

I have met with families of September 11th victims on several occasions, and their desire for this commission is the strongest argument I can present on its behalf. The persistent advocacy of Stephen Push, Kristen Breitweiser, Mary Fetchet, Beverly Eckert, Monica Gabrielle, and many others—despite their devastating loss—has inspired my profound respect.

Husbands, wives, and children were murdered on September 11th. Their survivors need to come to terms with what happened so that they may move on with their lives. The families want answers to questions that echo in my own mind and heart: Why was such a simple plan so successful in achieving

its evil goals? What opportunities were missed to prevent the destruction?

At a June rally organized by family members in support of this legislation, Mindy Kleinberg, a mother of three who lost her husband, Alan, on September 11th, told the *New York Times*—“I want to be able to look into the eyes of my children, and tell them the evil is over there, that they are safe, and that their country is secure. Nine months have passed, and I still cannot do that. I do not have answers.”

Let us help these families—and the nation they represent—find closure. Three thousand men, women, and children of America's family were murdered. We need definitive answers that force us to face what happened and why—answers that will ultimately lead to a stronger and better America, and an America less tortured by piecemeal speculations about what might have been.

President John F. Kennedy said, “In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility; I welcome it.”

We too must welcome it, with a strong vote in favor of creating this commission so that we might live well-informed and therefore safer lives in the future.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LIEBERMAN. Mr. President, I will stand by what I have said before in behalf of the commission.

I yield the floor at this point to my friend from Connecticut under the previous order.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I will keep an eye on the door. If our friend from Arizona comes through the door, I will abbreviate my remarks.

(The remarks of Mr. DODD are printed in today's RECORD under “Morning Business.”)

Mr. DODD. I see my colleague from Arizona on the floor. I know he wishes to be heard on this amendment.

I yield the floor to my colleague from Arizona.

Mr. MCCAIN. I thank my colleague from Connecticut.

Mr. President, are we still going to vote at 2:15?

The PRESIDING OFFICER. All time has been extended by 2 minutes.

Mr. MCCAIN. By 2 minutes. I will take about 3 minutes, if that is OK with my other friend from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Senator from Arizona, who has been such a leader in this effort, be allowed to speak for up to 5 minutes.

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

Mr. MCCAIN. I thank the Chair and thank my friend from Connecticut, Senator DODD. And I hope he will always yield to me when I arrive on the floor. I appreciate it.

Mr. President, I rise today to urge my colleagues to vote to create a commission, composed of the most credible people in America, that will tell the American people the truth about how our Government was not prepared for the threat of catastrophic terrorism last September.

To question American policies and practices in the months and years before September 11 is not to engage in a political witch hunt intended to score partisan points against one administration or another. To probe deeply but fairly into American policies predating the terrorist attacks is to examine the scale of American leaders' failure to imagine and plan for a contingency that was not, in fact, unimaginable. By American leaders, I mean the Congress, as well as other branches of Government. A thorough, nonpartisan investigation would provide an informed basis for the current administration and the Congress to take all necessary measures to ensure that our country is prepared to meet the challenges of this age of terrorism.

On Friday, the White House announced its support for an independent commission to address "the panoply of other important and related issues as they may relate to September 11 and 'strengthen our ability to prevent and defend against terrorism and protect the security of the American public.'" We will continue to work with the administration to refine our legislation and appreciate their support. We look forward to continuing our dialogue with the White House as the homeland security bill moves through conference. We are also pleased to have the support of Senators SHELBY and GRAHAM, the Senate leaders of the joint congressional investigation into last year's attacks.

The attacks on September 11 represented more than a failure of intelligence. They highlighted a failure of national policy to respond to the development of a global terror network implacably hostile to American interests. In 1989, the United States walked away from Afghanistan after fighting a proxy war against occupying Soviet forces. The subsequent civil war created the conditions for the rise of the Taliban, as the Afghan people submitted to a totalitarian government that imposed order over the chaos of warlord rule. The United States stood by passively as the Taliban formed an alliance with Osama bin Laden that turned Afghanistan into a sovereign training camp for al-Qaida to prepare its attacks on America as it built a global network of terror. American leaders, including those of us in Congress, watched and knew all of this.

The United States declined to respond meaningfully to terrorist attacks against our interests throughout the previous decade—again, a failure of national policy over the course of successive administrations and many Congresses that encouraged our enemies to perceive us as weak and unwilling to

defend our interests. The 1993 bombing of the World Trade Center; the 1995 and 1996 bombings of American targets in Saudi Arabia; the 1998 attacks on our Embassies in Kenya and Tanzania; the 2000 bombing of the USS *Cole*—all of these attacks were preludes of growing intensity to the attacks against New York and Washington, DC.

In retrospect, a pattern becomes clear, a period in which the preeminent threat to American national security arose from the ashes of war and chaos in Afghanistan while the United States preoccupied itself elsewhere. We need to absorb the lessons of our failure so that, as after other national tragedies such as Pearl Harbor and the Kennedy assassination, we can tell those we are privileged to lead that evil men will never perpetrate such horror again. This commission will help us do that.

I thank my dear friend and colleague, the Senator from Connecticut, Mr. LIEBERMAN, for his leadership, and I look forward to us completing this job.

I thank the Chair and yield the floor. Mr. LIEBERMAN. Mr. President, is there time remaining?

The PRESIDING OFFICER. There are 2½ minutes remaining in opposition.

Mr. LIEBERMAN. I thank the Chair. I wanted to say a personal word about the extraordinary way in which the families of so many of those who were lost on September 11 have taken their unspeakable losses and personal grief and turned it into remarkable, continuing acts of advocacy for action by our Government to guarantee, as best any human can, that no other families will suffer the losses that they have suffered.

These families have pushed relentlessly, and with such principle and purpose, for the creation of this commission to answer the question that they naturally ask, that we all ask but they ask it with a personal poignancy: How could this have happened?

Earlier this year, at a rally of family members in support of the creation of just such a commission as our amendment would provide, Mindy Kleinberg, a mother of three, who lost her husband, Alan, last September 11, said:

I want to be able to look into the eyes of my children and tell them the evil is over there, that they are safe, and that their country is secure. . . . Months have passed, and I still cannot do that. I do not have answers.

The purpose of this commission is to provide those answers for Mrs. Kleinberg, for her children, for all the survivors and friends, and for all Americans, to make sure their Government is doing everything it humanly can to prevent anything like the tragic attacks of September 11 of 2001 from ever happening again.

I think this is our best way to do that. I urge the adoption of this amendment.

I yield back the remaining time that I have.

The PRESIDING OFFICER. The question is on agreeing to amendment

No. 4694. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) and the Senator from Hawaii (Mr. INOUE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 8, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—90

| | | |
|-----------|------------|-------------|
| Akaka | Dorgan | McCain |
| Allard | Durbin | McConnell |
| Allen | Edwards | Mikulski |
| Bayh | Ensign | Miller |
| Bennett | Enzi | Murkowski |
| Biden | Feingold | Murray |
| Bingaman | Feinstein | Nelson (FL) |
| Boxer | Fitzgerald | Nelson (NE) |
| Breaux | Frist | Nickles |
| Brownback | Graham | Reed |
| Bunning | Grassley | Reid |
| Burns | Hagel | Roberts |
| Byrd | Harkin | Rockefeller |
| Campbell | Hatch | Santorum |
| Cantwell | Helms | Sarbanes |
| Carnahan | Hollings | Schumer |
| Carper | Hutchinson | Sessions |
| Chafee | Hutchison | Shelby |
| Cleland | Inhofe | Smith (NH) |
| Clinton | Jeffords | Smith (OR) |
| Collins | Johnson | Snowe |
| Conrad | Kennedy | Specter |
| Corzine | Kerry | Stabenow |
| Craig | Kohl | Stevens |
| Crapo | Kyl | Thompson |
| Daschle | Landrieu | Thurmond |
| Dayton | Leahy | Torricelli |
| DeWine | Levin | Warner |
| Dodd | Lieberman | Wellstone |
| Domenici | Lincoln | Wyden |

NAYS—8

| | | |
|---------|-------|-----------|
| Bond | Gregg | Thomas |
| Cochran | Lott | Voinovich |
| Gramm | Lugar | |

NOT VOTING—2

| | |
|--------|--------|
| Baucus | Inouye |
|--------|--------|

The amendment (No. 4694) was agreed to.

Mr. LIEBERMAN. I move to reconsider the vote.

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

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding we are now on the homeland security legislation; is that correct?

The PRESIDING OFFICER. We are.

Mr. REID. Mr. President, I have spoken with the minority. I ask unanimous consent that the Senator from West Virginia, the President pro tempore of the Senate, be recognized to speak for up to 1 hour as in morning business. I have spoken with Senator GRAMM, and he is not quite ready to offer his amendment. He said he would be ready at or about 3 o'clock. I ask unanimous consent that at 3:40 p.m. we return to this bill. At that time, Senator SANTORUM indicated he might be present in the Chamber to talk about legislation he has. At that time, we will move forward on the legislation, hoping Senator GRAMM is ready to offer his amendment.

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

The Senator from West Virginia.

PROGRESS ON THE FISCAL YEAR 2003 APPROPRIATIONS BILLS

Mr. BYRD. Madam President, the appropriations process is stalled. To use an overused expression: It is dead in the water. Certain Members in the other body have asserted that progress on the 13 appropriations bills for the fiscal year that begins October 1 has been slowed because Senate Democrats want to have a spending spree. Nothing could be further from the truth.

Nearly 2 months ago, on July 25, the Senate Appropriations Committee reported the thirteenth and final appropriations bill for fiscal year 2003, the earliest this has been accomplished since 1988. All 13 bills are bipartisan, and all 13 bills are fiscally responsible. There was not a single vote in committee against any of the 13 bills. Republicans and Democrats on the committee voted for these bills.

The bills totaled \$768.1 billion and are consistent with the committee allocation approved by a vote of 29 to 0 in June. The 13 bills are consistent with the \$768.1 billion allocation that was approved by the Senate Budget Committee when it reported its budget resolution last March. The bills are consistent with the \$768.1 billion allocation that was supported by 59 Members of the Senate when the allocation was voted on during floor debate on the Defense authorization bill on June 20.

The holdup in the appropriations process is because the White House is giving marching orders to the House of Representatives. Regrettably, the House Appropriations Committee has reported only 8 of the bills compared to the Senate Appropriations Committee's 13. The House has passed only 5 of those 8 bills.

I stress that the holdup is not the fault of the House Appropriations Committee chaired by Mr. YOUNG of Florida. It is not the fault of that committee. They have wanted to do their work.

The holdup is a result of the House Republican leadership decision to stop all House floor action on appropriations bills. Perhaps the decision is being handed down from on high to the House Republican leadership. The House has not adopted an appropriations bill since July 24. With only 1 week to go before the beginning of the fiscal year, the House has not passed an appropriations bill in almost 9 weeks.

For the record, let me state that there is no scheme in the Senate to explode spending—none. Surely I would have heard about it if there were such. The Senate Appropriations Committee has produced 13 bills that total \$768.1 billion plus \$2.2 billion in emergency spending for FEMA disaster relief, low-income home energy assistance, and funds to fight fires. The committee also approved an additional \$2.2 billion of advance appropriations for programs

to help educate disadvantaged and disabled children. No tricks. As Shakespeare said: There are no tricks in plain and simple faith. No hiding the ball; no hat trick here.

Our 13 bills have been available for all the world to see for 2 months. The House is not moving forward as a result of a political dispute over the ceiling for spending in fiscal year 2003. The House Republican leadership, in collaboration with the White House, is insisting on the level of \$759.1 billion. Yet the House Appropriations Committee has not been able to stretch those dollars far enough to write their bills.

The House Republican leadership has been informed by many members of their own caucus that they cannot vote for the Labor-HHS-Education bill at the levels requested by the President because that bill shortchanges America's classrooms and ignores our pressing health care needs. Yet, inexplicably, instead of changing course, the House Republican leadership has shut the appropriations process down.

Could it be because, with an election looming some members of the House want to avoid certain votes? If the Republican leadership has forsaken its duty to make careful choices for the American people and is driving the Congress toward a long-term continuing resolution, that means putting the Government on auto-pilot. This is the worst possible way to govern. It allows for obfuscation and abuse. It ignores critical needs.

In order to cover the politics involved which are the real reasons for the delay, the administration characterizes the \$13 billion of additional spending in the Senate bills as "wasteful spending." Frankly, this is just simplistic, political rhetoric.

The administration tries to point political fingers at the Senate charging that we are spending too much on domestic programs. But where is the real growth in spending? The President proposed a 13 percent, or \$45 billion, increase in spending for our Nation's defense programs. Let us note that the \$759 billion ceiling forced the House to cut the President's request for the Department of Defense by \$1.6 billion. The \$768 billion ceiling available in the Senate allowed the Senate to restore \$1.2 billion of that cut in DoD and the funds are being used for military readiness programs, for essential military construction programs, and for counter terrorism projects. In addition, the Senate was able to add \$375 million to the President's February request for nuclear programs at the Department of Energy.

The President proposed a 25 percent increase in domestic homeland security programs. The \$768 billion Senate level permitted the Senate to fully fund essential homeland defense investments such as additional fire-fighting funds, additional funds for port security, State and local law enforcement, and border security. Unfor-

tunately, the House ceiling on spending is so low that the House Appropriations Committee has not even been able to mark up the Veterans/HUD/Independent Agencies bill and the Commerce/Justice/State bill which provide funding for many homeland defense programs. Yet the White House requested these increases, and they are obviously critically important for the security of our people.

When it comes to domestic programs other than homeland defense, the President proposed to freeze spending at the FY 2002 levels. That is a hard freeze with no adjustment for inflation or for other factors such as a growing population or growing unemployment. The \$768 billion Senate level permitted the Senate Appropriations Committee to increase domestic programs by 2.6 percent. Not 13 percent, not 25 percent, just 2.6 percent for the domestic programs that serve our Nation.

And for what did we use that 2.6 percent increase?

We used it to increase funding for veterans medical care by \$1.1 billion above the President's request. There are currently over 280,000 veterans on waiting lists for VA medical care. The President's request just did not adequately fund veterans' needs.

If I ever saw a veteran, there sits one in the chair presiding over the Senate of the United States. There is a man who has given everything but his life for this country. I would be ashamed to run against him.

With war drums beating all around us, I think we ought to be very careful to send the message to our veterans that we will take care of their present and future needs.

Last year, Congress passed the No Child Left Behind Act with broad, bipartisan support. But, this law becomes nothing but an unfunded mandate on our local governments if the Federal funding is not there for States to implement the new act. It takes money to reduce class sizes, to provide teacher training, to invest in new technology and to develop meaningful assessment tools. The Senate Committee bill increases education funding by \$3.2 billion, or 6.5 percent, six times the meager 1 percent increase proposed by the President. Rhetoric is fine, but when it comes to our children's education we have to put our money where our mouth is, as the old saying goes.

The Senate used the 2.6 percent increase to make sure that we could keep Amtrak operating. A bankrupt Amtrak would mean that 23,000 employees would be thrown on to the unemployment line. Some 500 communities served by Amtrak would lose intercity passenger rail service forever, including 130 communities that have no air service whatsoever, and 113 communities that don't even have intercity bus service. It means the termination not just of Amtrak service across the Nation but also the termination of commuter rail service from Boston to California because many of these services are either operated under contract