



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148

WASHINGTON, TUESDAY, SEPTEMBER 3, 2002

No. 109

House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, September 4, 2002, at 2 p.m.

Senate

TUESDAY, SEPTEMBER 3, 2002

The Senate met at 9:30 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of this Nation, Lord of this Senate and source of strength for leaders, we turn to You for guidance for the intensely busy weeks ahead in this fall session. As we convene, it is difficult not to consider every issue in terms of the forthcoming elections. Our party differences often are sharply focused. And yet, the agenda before the Senate is made up of crucial matters for the good of America. Enable the Senators to think creatively, to speak clearly, and to vote with conviction. May they seek Your will, stay open to each other, and give our Nation an example of how leaders can be decisive without being divisive.

This morning we lift up to You the family of Senator JOE BIDEN whose father, Joseph R. Biden, Sr., passed away yesterday. Comfort them with Your peace that passes understanding as they walk through this difficult time. Watch over the entire Senate family and surround us with Your protections. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 3, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

RECOGNITION OF THE ACTING PRESIDENT PRO TEMPORE

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

PROGRAM

Mr. REID. Mr. President, good morning. I welcome back every one of our very competent staff which has been away for 30 days.

Mr. President, this morning we are going to begin consideration of the homeland security legislation, H.R. 5005, with 7 hours of debate on the motion. The time will be divided between Senators LIEBERMAN and THOMPSON, and in opposition that time will be controlled by Senator BYRD.

At 12:30 today, we will proceed to executive session to vote on the confirmation of a judicial nomination.

Following that vote, the Senate will recess until 2:15, as we do each Tuesday for party conferences. Debate on the motion will resume at 2:15.

All Senators should be alerted that in addition to the vote on the judicial nomination at 12:30 today, the Senate will vote on the motion to proceed to H.R. 5005 upon the expiration or yielding back of all time—somewhere around 6:15 this afternoon.

Today, we have a motion to proceed, as I have indicated. Tomorrow, we have the morning devoted to the Interior appropriations bill starting at 9:30. Then we will move again to homeland security.

Tomorrow evening at 6 o'clock, Vice President Mondale will be here for the Leader Lecture Series.

It will be a relatively short day tomorrow.

Then on Thursday, we will have full debate, which will include work on the Interior appropriations bill. We hope we can complete the Interior appropriations bill this week.

Hopefully, with permission of the minority, we can move to another appropriations bill.

We have one additional bill which the House passed, Treasury-Postal Service appropriations. That is something we have to do. There is a lot of work to do. Thursday will be our last legislative workday this week because Congress is going to New York on Friday.

As the leader announced, on each Monday there will be votes—some as early as noon. One week from Monday is a Jewish holiday. It is my understanding we will not work that day. At least that is the indication I got a

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S8035

short time ago in speaking with the leader.

MEASURE PLACED ON THE
CALENDAR—S.J. RES. 43

Mr. REID. Mr. President, I understand that S.J. Res. 43 is at the desk due for its second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask that S.J. Res. 43 be read for a second time, and then I object to any further proceedings at that time.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for a second time.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 43) proposing an amendment to the Constitution of the United States to guarantee the right to use and recite the Pledge of Allegiance to the flag and the national motto.

The ACTING PRESIDENT pro tempore. Objection having been heard, the measure will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

HOMELAND SECURITY ACT OF
2002—MOTION TO PROCEED

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the cloture motion, which the clerk will report.

The 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 debate on the motion to proceed to H.R. 5005, a bill to establish the Department of Homeland Defense.

Tom Daschle, Harry Reid, Zell Miller, Joseph Lieberman, Tim Johnson, Debbie Stabenow, John Edwards, Jon Corzine, Susan Collins, Robert F. Bennett, Trent Lott, Pete Domenici, Rick Santorum, Fred Thompson, Peter Fitzgerald, Jim Bunning.

The ACTING PRESIDENT pro tempore. Under the previous order, time for debate on the motion is limited to 7 hours to be equally divided between the Senator from Connecticut, Mr. LIEBERMAN, and the Senator from Tennessee, Mr. THOMPSON, for the proponents, and the Senator from West Virginia, Mr. BYRD, for the opponents, or their designees.

Mr. REID. Mr. President, the two managers will be here very shortly. I ask unanimous consent that the time for the quorum be charged equally against both sides, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, let me beg the Senator's forgiveness. Before he begins, I want to ask this earlier rather than later. May I ask a question with respect to the amendment?

Mr. LIEBERMAN. Of course.

Mr. BYRD. Is the amendment that the distinguished Senator will offer as a substitute the amendment I have seen? Is that the amendment?

Mr. LIEBERMAN. In responding to the Senator from West Virginia, that is indeed the amendment. What is before the Senate now, as the Senator from West Virginia knows, is the House-passed bill. It is my intention, assuming the motion to proceed passes today, to offer as a substitute the legislation that was adopted by the Senate Governmental Affairs Committee in July, which has been distributed to the Senator from West Virginia and others.

Mr. BYRD. May I ask the distinguished Senator, with great respect, does he have any suggestion as to how we will handle the time on quorum calls?

Mr. LIEBERMAN. I appreciate the question. It was my hope we could agree that the time on the quorum calls be subtracted equally from each side. Is that agreeable to the Senator from West Virginia?

Mr. BYRD. I hope it would not be. Once I begin, I don't plan to have any quorum calls. Yet, of course, at times it becomes necessary. When I do ask for a quorum call, I will expect that to be taken out of my time. I would not want to divide the time equally on quorum calls, I say with great respect.

Mr. LIEBERMAN. The Senator has that privilege, and I have no desire to limit debate. So let us just agree that quorum calls will remove time from the side that asks for the quorum call.

Mr. BYRD. Very well. I have one further question. In closing the debate, does the Senator have any particular way he wishes to proceed? I believe he would want to close the debate. If I might make a suggestion.

Mr. LIEBERMAN. Please.

Mr. BYRD. I ask if I could go preceding the Senator and if the distinguished minority member, Mr. THOMPSON, could speak just prior to me. That would be my suggestion. However, if Senator THOMPSON wants to do this differently, I will accept that.

Mr. LIEBERMAN. I thank the Senator from West Virginia. That order was exactly what I had in mind. I ask Senator THOMPSON if that is agreeable to him.

Mr. THOMPSON. It is most agreeable to me. I think that is the way to proceed.

Mr. LIEBERMAN. Fine. So we will close the debate in the last half hour going from Senator THOMPSON, to Senator BYRD, to myself.

Mr. BYRD. Mr. President, will the Senator yield further?

Mr. LIEBERMAN. I will.

Mr. BYRD. May I say, I hope we will not confine our closing arguments to a half hour. As far as I am concerned, when we get to that point, perhaps we can wait until the last hour to close the arguments, or the last hour and a half, and Senator THOMPSON would proceed, and then the Senator from West Virginia, and then the distinguished manager of the bill, and that we not limit ourselves—the three of us—to the totality of 30 minutes.

Mr. LIEBERMAN. Once again, Mr. President, that suggestion is agreeable to me. Debate, as the Senator from West Virginia knows, is limited to 3½ hours on each side. But some of this will depend on how many colleagues come to the floor to speak. Let us work together. I agree that we don't have to limit the time in which we go to closing arguments to the last half hour. We can work that out ourselves and take longer than that. That is fine.

Mr. BYRD. Mr. President, may I say I thank the distinguished Senator, the manager of the bill. I have only the very highest degree of respect for him, and I have only the highest degree of respect for the committee, and for his counterpart—if I may use that word—a very respected Senator, the Senator from Tennessee. I have great respect, and anything I say during this debate will be only with the desire in mind to contribute something that will reflect well upon this Senate in the days and years to come.

I have every belief that the Senator from Connecticut and the Senator from Tennessee approach the matter in the same spirit. I thank the Senators for yielding.

Mr. LIEBERMAN. Mr. President, I thank the Senator from West Virginia for his graciousness. Of course, Senator THOMPSON and I return the respect the Senator kindly offered to us. This is a very significant debate. It goes to the heart of the security of the American people today, post September 11, and it is also, by my calculation, the largest reorganization of the Federal Government since the late 1940s. Therefore, the kind of debate in which I know the Senator from West Virginia intends to engage is very much in the public interest. I look forward to it.

Mr. BYRD. Mr. President, I thank the Senator.

September 11 is now one of the darkest days in American history because of the almost 3,000 innocent lives that were taken and because of the way in which the American people were jarred from the dream that we would experience a time of extended peace after our victory in the cold war. The attacks made against us on September 11 were not just vicious in their inhumanity and in the lives that were taken in