Americans, people who relied on him not only to fight their battles, but to win important victories on their behalf.

I worked closely with Senator Wellstone for many years, in a number of areas important to both of us.

As Chairman of the Senate Committee on Veterans' Affairs, I know that he was a tireless fighter for the men and women who had served in America's armed forces, especially for ill and aging veterans, those least able to fight for themselves, yet most in need of our help.

He fought for children, for their education and health care. And he worked to fashion a welfare system that encouraged work and protected children, without becoming punitive or unreasonable.

He also worked on behalf of the unskilled and unemployed, for a living minimum wage, for job training, and for education benefits to promote workers' 21st century skills. And I knew I could always count on his support for West Virginia's steelworkers and all workers threatened by unfair practices in an increasingly complex economy.

Senator Wellstone's many battles earned him a reputation as an ideologue and a firebrand. But I saw him reach across the aisle many times in his career. His first loyalty was to people, not to party, and his work with Senator DOMENICI on the groundbreaking Mental Health Parity Act stands as testimony to the strength of his priorities and the effectiveness of his approach. I am proud to be able to continue his work to bring equitable treatment to those who suffer from mental illness.

Paul Wellstone never believed that having principles and sticking to them somehow meant you couldn't get things done in the United States Senate. Instead, he believed that you had to stick to your principles, or you couldn't get anything worthwhile done. It was an approach that made him unique and won him unusual respect and admiration from every member of this body.

Senator Wellstone's tragic death, along with the deaths of Sheila and Marcia Wellstone, staffers Tom Lapic, Mary McEvoy, and Will McLaughlin, and pilots Richard Conroy and Michael Guess, have left a void in the Senate and in our hearts.

But all of us who worked with him, or knew of the work he did, will find some cheer in the memory of Minnesota's great voice for justice and opportunity.

Many will remember him for his fiery speeches and outspoken opinions.

But atomic veterans finally receiving treatment for their service-related disabilities, and homeless veterans with a new chance to find their way off the streets; parents whose children are learning from better teachers and enjoying better access to health care; activists who found an ally in their struggle to end violence against women; workers receiving job training; and entrepreneurs, especially women, minorities, and the urban poor, profiting from a changed and expanded federal small business loan regime.

All these people will remember Paul Wellstone, as I will, not just for what he said, but what he did.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:40 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. REID).

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 2:45 p.m. today, with the time from now until 2:45 to be equally divided between the two leaders or their designees.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate recess subject to the call of the Chair.

There being no objection, the Senate, at 2:19 p.m., recessed subject to the call of the Chair and reassembled at 2:29 p.m., when called to order by the Presiding Officer (Mr. EDWARDS).

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, is the Senate in morning business?

The PRESIDING OFFICER. Yes.

Mr. LIEBERMAN. Mr. President, I rise to support the motion for cloture that will be voted on in about 15 minutes. This is a way to begin bringing this debate on the creation of a Department of Homeland Security to a close and to allow our Government to begin the urgent business of creating this new Department.

For those of us who have supported this idea for over a year now, this moment is long overdue.

I am troubled by the draft of the substitute bill that began circulating yesterday which, in my view, has not only a number of very good parts in it which are quite similar to those contained in the bipartisan bill reported out of the Governmental Affairs Committee but also has a number of serious shortcomings that I hope to discuss when it comes to the floor either later today or tomorrow.

I am especially concerned that this new substitute bill creating a Department of Homeland Security also contains a number of special interest provisions that are being sprung on the Senate without prior warning or consideration. This is really not the time for that. We all ought to be focusing on the terrorist threat, the need to create a Department of Homeland Security to meet that threat, and not on using a vehicle that is probably moving to passage to put into it a host of pet personal projects. This is clearly not the time for that, and I hope the President and members of the leadership will discourage Senators and Members of the House from using this homeland security debate as a vehicle for accomplishing those more special purposes.

More than 14 months have now passed since September 11, 2001, that day when terrorists viciously exploited our vulnerability and took the lives of 3,000 of our friends, family, and fellow Americans. Fifteen months have now passed since October of 2001, when Senator SPECTER and I initially proposed legislation creating a Department of Homeland Security to meet and beat the terrorist threat. This measure was not just bipartisan. It was, in fact, intended to be nonpartisan. Our proposal had nothing to do with politics and everything to do with giving our Government the ability to protect the American people from another terrorist attack. I point this out now, not out of pride but to make clear how far we have come, in some ways in the wrong direction, and how much time we have taken before making this urgent transformation.

In the beginning, the vision of a Homeland Security Department was a recommendation and a report issued by a nonpartisan commission chaired by our former colleagues, Warren Rudman and Gary Hart. Then it was put forward in our committee bill. Then, as often happens to good ideas in a democracy, it gained support and steam in Congress.

At the outset, President Bush and most Republicans in Congress resisted our legislation. I never took that resistance to be partisan, and I do not believe it was. The President argued that the coordinating Office of Homeland Security within the White House led by Governor Ridge would be strong enough to do this massive and complex job. So for 8 months, the administration did oppose the creation of a Homeland Security Department.

In the meantime, the Governmental Affairs Committee held a total of 18 hearings, exploring every possible aspect of our homeland defense vulnerabilities and how they should be fixed. On May 22 of this year, the product of that work, a new version of the

bill, was reported out of our committee, unfortunately, on a party line vote with all Democrats voting in favor of a Department of Homeland Security and all Republicans opposed.

That partisan split did not last for long. A month or so later, last June, I was very pleased when the President and most of our Republican colleagues endorsed a proposal to create a Department of Homeland Security.

Somebody once said it is common in Washington to see people change their positions but rare to see them change their minds. I like to believe that is exactly what happened in the White House. Based on experience, the President and his assistants changed their minds about the desirability of a Department of Homeland Security. We then worked with the White House and Senate Republicans to build the greatest possible support for a bipartisan bill.

In July of this year, our committee sent such a bipartisan proposal to the Senate floor, which we began to debate in early September. We had a good debate on this proposal. As was acknowledged by all people on both sides, our committee legislation overlapped with the President's proposal and the House-passed bill on 90 or 95 percent of the issues and decisions involved. Somehow, despite finding ourselves on the same page, we could not find a way to turn the page together to create a more secure nation.

The major sticking point was civil service protections and collective bargaining rights for homeland security employees. We tried in good faith to bridge that divide. We pushed repeatedly for a vote on a very reasonable bipartisan proposal.

I ask unanimous consent that I be given 5 additional minutes to speak in morning business.

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

Mr. LIEBERMAN. I thank the Chair. We pushed repeatedly for a vote on a very reasonable bipartisan proposal crafted by Senators BREAUX, NELSON, and CHAFEE, to break the unnecessary logjam over the rights of Federal workers. But that was not to be had.

Our colleagues on the other side did not yield. Five times they refused to allow a vote on their own bill, even though Democrats had time and again given ground and simply wanted a vote on the compromise amendment.

As will be remembered, mostly because of Senator DASCHLE's totally justified expression of anger on this floor, the Bush administration even began to question the patriotism of Democratic Senators rather than joining us on this good-faith area of disagreement to try to come to an agreement.

In a new low in the tawdry business of political campaign advertising, two of our colleagues, Senator CLELAND and Senator CARNAHAN, were subjected to ads that took votes they cast out of context on homeland security and questioned their patriotism. That was outrageous and unacceptable. The fact is that these two Senators, CARNAHAN and CLELAND, had been early supporters of a Department of Homeland Security. So what started out as a nonpartisan effort to protect America's national security, unfortunately, became a very partisan effort to decide elections. Now the campaign is over. It is time to turn the page once again.

Benjamin Franklin said, you may delay, but time will not. I say this afternoon we may delay, but the terrorists will not. Senators Hart and Rudman issued another report within the last week or two and they have predicted another terrorist attack:

> The next attack will result in even greater casualties and widespread disruption to American lives and the American economy. The need for immediate action is made more imminent by the prospects of the United States going to war with Iraq and the possibility that Saddam Hussein might threaten the use of weapons of mass destruction in America.

Our vulnerabilities remain painfully serious, our disorganization in terms of our national apparatus to combat terrorism and protect national security, homeland security, dangerously disorganized. That is why it is so critical to pass a bill creating a Department of Homeland Security, led by a strong and accountable Secretary. That will start to close our vulnerabilities and improve our homeland defenses. Safety in this new age is a civil right. When Americans live in fear, their rights are compromised. By invoking cloture and moving toward a resolution on a Department of Homeland Security today, we will be saying loudly and clearly that we as a Nation do not succumb to fear. We will face what threatens us with strength. We will not be shaken by the voice that once again has threatened us on audiotape because we will secure our own future by working together in Congress to better organize our government and thereby to secure more control of our own destiny. Fear, uncertainty, and delay will be overcome by strength, unity, and American ingenuity. We will protect our friends, our family, and our children against the worst designs of our terrorist enemies by drawing on the best in each of us and, hopefully, in the days ahead we will do it together.

I urge my colleagues to vote for cloture on this vital legislation. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I think I have 5 minutes and then we have a vote, so I will try to be brief. It is fair to say at the beginning of the process, no one conceived there could be partisanship on homeland security. Neither party sought the partisanship, but yet in the process it came. We ended up as the session ended with a situation no one may have chosen, but the reality was every Democrat except one was opposed to the President's program, and every Republican except one was for it. The definition of partisanship is when you have an issue that produces a division right down the middle aisle. That is what we had. We had an election. I do think the American people spoke clearly on this issue. If there was a dominant theme in the election, it was that the American people were unhappy that we had not found our way to a bipartisan solution to our homeland security dilemma.

Today we have an opportunity to fix that. We have the opportunity to fix it by the following procedure. We need to vote yes on cloture on the Gramm amendment, which I intend to vote yes on. There will then be a motion to table the Lieberman amendment which, if it is successful, and I hope it will be successful, will knock down the whole superstructure that has been piled on top of the underlying Homeland Security bill. That will give us an opportunity to offer a bipartisan compromise that has been hammered out over the last 4 or 5 days. There is, at least in terms of what people have said in the reported media, a majority of the membership that is in favor of that compromise. Even as we speak, the House is debating a rule under which they will consider that compromise. Tonight, about 6 p.m., it is my understanding they will vote on that compromise. If they adopt it—and we have every reason to believe they will adopt it overwhelmingly—if we do the same, we will have been successful in a bipartisan effort to provide for Homeland Security.

I conclude by simply noting when we have the kind of debate we had for 6 weeks, it is easy to have hard feelings about it, it is easy to say ''I want to prevail'' after all the effort. I hope now we have had an election, we have all had an opportunity to go home and tell our side of the story, we can now come together.

I do think we have a good agreement. It does not do everything I want to do. It does some things in ways that I would choose not to do. Overall, it has two redeeming qualities. One, it gives the President the power he needs to get the job done, and the President and all those who would be working with him to create and run this new Department say with this compromise, they can get the job done.

Second, at least if everyone stays where they said they are, we have a majority of Members willing to vote for it. No matter what you think, or no matter what perfection would be, if, after 6 weeks of very difficult partisan debate, you have a proposal that will get the job done, a proposal that is supported by the person who has the constitutional responsibility for doing the job—the President—a proposal that those who would implement say they can make work, and a proposal the majority of Members have decided they are for, I am hoping we can get a very big vote here and put this behind us.

Finally, in the waning days of a session, obviously any individual member has extraordinary power. If someone

decides they want to try to disrupt the process, they can. This is not an extreme proposal. It is a compromise. It has dealt with many of the issues that have been raised, from the appropriations issue Senator BYRD raised to numerous other issues discussed. I hope we will today begin the process that will quickly allow us to pass this bill.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Gramm-Miller amendment No. 4738 to H.R. 5005, the Homeland Security legislation:

Harry Reid, Ben Nelson of Nebraska, Hillary Rodham Clinton, Debbie Stabenow, Mark Dayton, Patrick Leahy, John Breaux, Tom Carper, Tom Daschle, Byron L. Dorgan, Jack Reed, Jim Jeffords, Tim Johnson, Mary Landrieu, Max Baucus, Daniel K. Inouye.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Gramm amendment No. 4738 to H.R. 5005, an act to establish the Department of Homeland Security, shall be brought to a close? The yeas and nays are required under rule XXII.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

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

The yeas and nays resulted—yeas 89, nays 8, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—89

Akaka	DeWine	Levin
Allard	Dodd	Lieberman
Allen	Domenici	Lincoln
Barkley	Dorgan	Lott
Baucus	Durbin	Lugar
Bayh	Edwards	McCain
Bennett	Ensign	McConnell
Biden	Enzi	Mikulski
Bingaman	Feinstein	Miller
Bond	Fitzgerald	Murkowski
Breaux	Frist	Murray
Brownback	Graham	Nelson (FL)
Bunning	Gramm	Nelson (NE)
Burns	Grassley	Nickles
Campbell	Gregg	Reid
Cantwell	Hagel	Roberts
Carnahan	Hatch	Rockefeller
Carper	Hollings	Santorum
Chafee	Hutchinson	Schumer
Cleland	Hutchison	Sessions
Clinton	Inhofe	Shelby
Cochran	Inouye	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kerry	Snowe
Craig	Kohl	Specter
Crapo	Kyl	Stabenow
Daschle	Landrieu	Stevens
Dayton	Leahy	
Thomas	Thurmond	Warner
Thompson	Voinovich	Wyden

NAYS—8

Boxer	Feingold	Reed
Byrd	Jeffords	Sarbanes
Corzine	Kennedy	

NOT VOTING—3

Harkin	Helms	Torricelli

The PRESIDING OFFICER (Mr. EDWARDS). On this vote, the yeas are 89, the nays are 8. Three-fifths of the Senate duly chosen and sworn having voted in the affirmative, the motion is agreed to.

HOMELAND SECURITY ACT OF 2002—Resumed

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

Lieberman Amendment No. 4471, in the nature of a substitute.

Gramm/Miller Amendment No. 4738 (to Amendment No. 4471), of a perfecting nature, to prevent terrorist attacks within the United States.

Nelson (NE) Amendment No. 4740 (to Amendment No. 4738), to modify certain personnel provisions.

Daschle motion to commit the bill to the Committee on Governmental Affairs and that it be reported back forthwith with the pending Lieberman Amendment No. 4471, listed above, as amended.

Daschle Amendment No. 4742 (to the instructions of the motion to commit H.R. 5005 to the Committee on Governmental Affairs) of a perfecting nature, to prevent terrorist attacks within the United States.

Daschle Amendment No. 4743 (to Amendment No. 4742), to modify certain personnel provisions.

The PRESIDING OFFICER. Cloture having been invoked, the pending motion to recommit falls.

The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I move to table the pending Lieberman amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. It appears there is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. The Senator from West Virginia could not hear the motion. Would the Chair get order? Let's hear the motion again.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. If we can't do this, I will suggest the absence of a quorum.

The PRESIDING OFFICER. The Senate will be in order. Senators will take their conversations to the cloakrooms.

The Senator from West Virginia.

Mr. BYRD. I would just like to hear what the motion was.

The PRESIDING OFFICER. The Senator from Tennessee has moved to table the Lieberman substitute. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

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

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—50

Allard	Enzi	Murkowski
Allen	Fitzgerald	Nickles
Barkley	Frist	Roberts
Bennett	Gramm	Santorum
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hagel	Smith (NH)
Burns	Hatch	Smith (OR)
Campbell	Hutchinson	Snowe
Chafee	Hutchison	Specter
Cochran	Inhofe	Stevens
Collins	Kyl	Thomas
Craig	Lott	Thompson
Crapo	Lugar	Thurmond
DeWine	McCain	Voinovich
Domenici	McConnell	Warner
Ensign	Miller	

NAYS—47

Akaka	Dayton	Leahy
Baucus	Dodd	Levin
Bayh	Dorgan	Lieberman
Biden	Durbin	Lincoln
Bingaman	Edwards	Mikulski
Boxer	Feingold	Murray
Breaux	Feinstein	Nelson (FL)
Byrd	Graham	Nelson (NE)
Cantwell	Hollings	Reed
Carnahan	Inouye	Reid
Carper	Jeffords	Rockefeller
Cleland	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Conrad	Kerry	Stabenow
Corzine	Kohl	Wyden
Daschle	Landrieu	

NOT VOTING—3

Harkin	Helms	Torricelli

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT REQUEST

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H.R. 4546, the Department of Defense authorization bill; that there be 75 minutes equally divided and controlled by Senators LEVIN and WARNER or their designees; that upon the use or yielding back of the time with no intervening action or debate the Senate proceed to vote on the adoption of the conference report; that upon the adoption of the conference report and the Senate resuming consideration of H.R. 5005, Senator THOMPSON be recognized to offer a substitute amendment; that immediately upon the reporting of the Thompson amendment Senator LIEBERMAN be recognized to offer an amendment to the Thompson amendment; and, following that, Senator