

defense and the world in its shared obligation to confront and defeat the insidious forces of terrorism.

God of peace, hear our prayer. You are our Lord and Saviour. Amen.

#### PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW led the 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, November 15, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Ms. STABENOW thereupon assumed the chair as Acting President pro tempore.

#### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

#### SCHEDULE

Mr. REID. Madam President, there is going to be a period of morning business until 10 a.m. this morning with the time to be equally divided between the two leaders. At 10 a.m., the majority leader or his designee is to be recognized, and at that time there will be an effort to move to the conference report on terrorism. A rollcall vote is expected on the motion as soon as possible. At 10:45, the Senate will vote on cloture on the substitute amendment to the Homeland Security Act.

There is much work to be done today, including completing the homeland security legislation. The chairman of the Banking Committee is here, and also the chairman of the Rules Committee, the Senator from Connecticut, Mr. DODD. They have worked long and hard on the terrorism insurance legislation. The House passed that last night, and that will be passed as soon as possible. We are not going to leave here until that legislation is passed—whether it takes the next 10 minutes or the next 10 days. Both leaders have indicated it will be passed. It is something the White House wants very badly.

Finally, we have things worked out. We now have a conference report. I don't know if it has been given to us yet. But, if not, it will be presented shortly.

I would indicate for all those who are listening that there are ways: For example, someone could call for a quorum. Of course, we could call for a live quorum immediately. That is going to happen.

We are not going to have games played with terrorism insurance any longer. This legislation is supported by the President of the United States and the two leaders. It passed the House, and the legislation is going to pass.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with the time to be equally divided between the two leaders or their designees.

The Senator from Connecticut.

#### HOMELAND SECURITY AND TERRORISM INSURANCE

Mr. DODD. Madam President, I am curious, if I could get the attention of the distinguished majority whip, what is the plan this morning, if I can inquire of how we are going to proceed?

Mr. REID. We, of course, in 55 minutes, are going to vote on cloture on homeland security. Prior to that time, it would be our desire to move to the very important antiterrorism legislation that has been here for more than a year. We are going to do that. We would like to do it by unanimous consent. As the chairman knows, it is a nondebatable motion to move to that matter. We are going to have a vote on that in the near future. We do not know exactly when.

We are going to try to get a unanimous consent agreement, perhaps, to only have one vote and get rid of the legislation. That would be preferable, rather than trying to mess around with a cloture motion on it because, if necessary, we will file cloture on it.

Mr. BYRD. Will the Senator yield for a question?

Mr. REID. I am happy to yield.

Mr. BYRD. Is the Senator talking about a conference report when he says it is a nondebatable motion? Is he talking about a conference report?

Mr. REID. Yes. What I am talking about is, we have terrorism insurance legislation passed in the House last night.

Mr. BYRD. Is that a conference report?

Mr. REID. Yes, it is a conference report.

Mr. SARBANES. Will the Senator yield further for a question?

Mr. REID. Yes. I am happy to yield.

Mr. SARBANES. I am taken aback by the notion that we are not going to be able to go to this legislation by some unanimous consent, that we are going to have to invoke cloture, and all the rest of it. I do not quite understand where that opposition is coming from.

In fact, it passed the House on a voice vote without any opposition whatever expressed over on the House side. And this is something that has been laboriously worked over under the very effective leadership of my very distinguished and able colleague from Connecticut. I was operating under the assumption that we would be able to go to it in short order.

People will want to make some speeches and explanatory statements, I would assume, although I don't see any need for any lengthy debate or a long involvement of time in order to finally conclude this legislation.

Mr. REID. I respond to my friend, the chairman of the Banking Committee, logic, reason, common sense has not applied to this legislation. We have worked on this for more than a year, and just when it appears we are over the hill, some phantom objection comes and we are not able to do it.

We are now at this point, and I think that what should happen is there should be a couple of hours. This is some of the most important legislation that has passed this body. It is extremely important to all sectors of our economy. I think we should have a couple hours to explain the legislation and then have a vote on it and get it out of here and send it to the President's desk. I think that would be the preference of a vast majority of the people here.

But I want to make it very clear to everyone here, if we cannot do it in a logical, reasonable, orderly way, we are going to do whatever it takes to get this legislation out of here. If we have to work tomorrow, Sunday, Monday, this legislation will pass. And we are now in the procedural perspective where alternatives to slowing this down are very slim.

Mr. SARBANES. I thank the Senator.

Mr. BYRD. Will the Senator yield?

Mr. REID. I am happy to yield to the President pro tempore.

Mr. BYRD. I hope we are not going to work on Sunday. That is a religious holiday for this Senator. We do observe religious holidays around here. Furthermore, I think the distinguished Democratic whip's mention of reason and logic and common sense should be applied to the homeland security legislation as well.

I hope all Senators within the sound of my voice here in this Chamber and listening on the TV—

The ACTING PRESIDENT pro tempore. The time controlled by the majority leader has expired.

Mr. BYRD. Madam President, I ask unanimous consent to proceed for 1 minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. I hope that all Senators within the sound of my voice will vote no on cloture today. Here is a 484-page bill that we have not seen until the wee hours of the morning on Wednesday, the day before yesterday. And the Senators are being asked to invoke cloture on this measure when we do not know everything about it. What is in it? We are entitled to have some time to study this bill. We owe it to our constituents.

Mr. SARBANES. Will the Senator yield on that point?

Mr. BYRD. Yes, I yield, if I may have an additional 2 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GRAMM. Madam President, could the Senator have an additional 10 minutes so we could discuss this?

Mr. BYRD. Yes.

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

Mr. BYRD. I yield to the distinguished Senator from Maryland.

Mr. SARBANES. I just wondered, has the Senator noticed that the newspapers are filled now with stories about provisions that are in this legislation that have appeared, in a sense, out of nowhere? All of a sudden they have manifested themselves in this legislation, provisions that were not in this bill before, dealing with unrelated, extraneous matters.

Mr. BYRD. Yes, exactly, one of which happens to appear to target a facility for a district represented by a Member of the House from Texas. We do not know what that facility is, but it has been slipped into this measure.

Mr. SARBANES. I say to the distinguished Senator, I was not even aware of that one. That one has not yet risen to the level of being covered in these newspaper stories.

Mr. BYRD. I think that is where I got a glimmer of it, somewhere in a newspaper story.

Mr. SARBANES. I missed that. But that is just another example of what may well be stacked away—it is not as though this is simply or straightforwardly a revision or an alteration of provisions directly related to homeland security which we have been dealing with here, and so there have been some changes or modifications.

As I understand it, it is becoming increasingly evident that there are a number of provisions in here that have nothing to do with homeland security. Is that the Senator's understanding?

Mr. BYRD. Exactly. And I am very much alarmed by it. I spent 3 hours yesterday talking about some of these provisions. And, of course, there is a provision in here to reward the pharmaceutical companies. That is pork for pharmaceutical companies. That just came to light. That did not go through any committee. That had no hearings, no testimony of witnesses—just slipped

into the bill in the wee hours of the morning of Wednesday. It is alarming.

Here we are about to pass this massive bill without our knowing its contents. It has never seen a day or an hour of hearings in any committee, and it is just put together by somebody in the shades of darkness. And then, here it is, dropped on our desks yesterday morning.

We are supposed to pass this. It provides for a massive shift of power to the executive branch, a massive shift, and Congress will be left out of the loop. I think we ought to at least have a few more days to study this bill, have our staffs able to study it, and advise us as to what is in it. That is all I am asking.

I do not doubt cloture will be invoked at some point, but it should not be invoked today. We ought to at least have until sometime next week to further study this before cloture clamps its beartrap on us.

Mr. SARBANES. I think the Senator raises a very important point. It would at least then give us the weekend to go through the provisions of this proposal.

Mr. BYRD. Yes. I thank the distinguished Senator from Maryland for his observations.

Mr. DORGAN. Madam President, I wonder if the Senator from West Virginia will yield further for a question.

Mr. BYRD. I will be glad to, if I may do so.

Mr. DORGAN. Madam President, if the Senator from West Virginia continues to have time—

The ACTING PRESIDENT pro tempore. Yes.

Mr. DORGAN. I would like to make an inquiry similar to the inquiry made by my colleague from Maryland.

There is an article in this morning's newspaper which contains some information which is very surprising to me, which was referenced briefly yesterday on the Senate floor, relative to the homeland security bill. This homeland security bill has a provision in it which says:

Riding along on legislation to create a new federal Department of Homeland Security is a White House-backed provision that could head off dozens of potential lawsuits against . . . pharmaceutical [companies].

It goes on to further explain what this is. It says: Richard Diamond, a spokesperson for the retiring majority leader in the other body, RICHARD ARMEY:

. . . said the provision was inserted because "it was something the White House wanted. It wasn't [Armeys'] idea."

This is a circumstance where a homeland security bill contains a provision dealing with protection for pharmaceutical companies. The pharmaceutical companies, according to a Wall Street Journal article, spent \$16 million.

Mr. BYRD. How much?

Mr. DORGAN. They spent \$16 million in the recent election. Much of it went through organizations such as Seniors United and others set up to move this

money out under the guise of an organization called Seniors United in order to defeat Democratic lawmakers and support Republican lawmakers.

The point is, this provision now is slipped into a homeland security bill. It has nothing to do with homeland security. Yet it is a provision that likely will be very beneficial to the pharmaceutical industry that spent \$16 million in the last election.

Mr. BYRD. It is a blatant payoff to the pharmaceutical companies in return for their massive contributions to candidates during the election. That is a massive payoff.

Mr. DORGAN. If I may inquire further, has the Senator from West Virginia or have other Senators heard from the President or the White House by what justification would they insert—again, the White House apparently wanted it; that is what the majority leader of the House says—a special provision benefiting one industry in something called homeland security. Has anyone heard an explanation of that?

Mr. BYRD. That was very revealing what the majority leader's staff person from the other body had to say, pointing the finger at the White House. That was very revealing. I hope we have more time.

Mr. SARBANES. Will the Senator yield further?

Mr. BYRD. How much time do I have?

The PRESIDING OFFICER (Mr. CARPER). There are 4 minutes remaining.

Mr. BYRD. I yield.

Mr. SARBANES. This morning the Baltimore Sun has an editorial—they entitled it "Homeland Insecurity"—discussing this legislation.

Mr. BYRD. And rightfully so.

Mr. SARBANES. One paragraph follows right along with what the able Senator from North Dakota was bringing to our attention. I want to quote it:

Most alarming is that the version of the legislation passed by the House on Wednesday—with the Senate apparently soon to follow—is a 500-page, 11th hour rewrite few lawmakers have read and perhaps none fully understands.

Mr. BYRD. Well stated.

Mr. SARBANES. Continuing:

New snakes slither out daily, but doubtless many will remain hidden until long after the measure is enacted into law.

Mr. BYRD. Well stated. Well stated. I hope Senators will take notice of that editorial. I hope the Senator will put that in the RECORD.

Mr. SARBANES. Mr. President, I ask unanimous consent to print the editorial in the RECORD.

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

[From the Sun, Nov. 15, 2002]

#### HOMELAND INSECURITY

ONE LAMENTABLE result of this month's elections is that the stalemate has been broken over the creation of a monstrous Department of Homeland Security. This cosmetic

response to the myriad failures that made the nation vulnerable on Sept. 11, 2001, offers no assurance that Americans will be safer. Instead, it poses new dangers.

Most alarming is that the version of the legislation passed by the House on Wednesday—with the Senate apparently soon to follow—is a 500-page, 11th-hour rewrite few lawmakers have read and perhaps none fully understands. New snakes slither out daily, but doubtless many will remain hidden until long after the measure is enacted into law.

How can a bill that purports to protect the homeland be so scary? Let us count some ways:

First, the basic concept is flawed. Combining 22 separate departments and agencies with nearly 200,000 employees into one super agency is a recipe for bureaucratic chaos that will distract workers from their security duties rather than sharpen their focus. New bosses, new locations, new personnel rules, new rivalries, new turf battles. These are the issues that will most concern workers in the years just ahead. How helpful is that?

The recent squabble between the FBI and the Bureau of Alcohol, Tobacco and Firearms, neither of which is to be included in the new department, demonstrates there is little chance that blending separate agencies to eliminate overlap and clarify control can be anything but a bloody task.

This proposal came originally from Democrats and was opposed by President Bush. But the pressure on Congress to take some action that promised Americans greater security was so great that Mr. Bush decided to board the train before it ran over him.

Second, the White House refused to accept a Senate provision that would have created an independent commission to investigate government failures that preceded the Sept. 11 attacks, squelching what looked like the best chance of authorizing such an inquiry. Unless another opportunity emerges soon, there may never be a detailed look at what went wrong and why.

Third, union rights and other worker protections will be stripped from the employees of the new department because the president says he needs new flexibility to hire, fire and move people around. No convincing national security rationale has been offered to justify this broad power grab.

Fourth, citizen access to information about risks or threats related to critical infrastructure is sharply curbed, and criminal penalties will be imposed on workers who violate these strictures. This is a sweeping and unjustified infringement on press freedoms.

Fifth, the Defense Department is working on a plan to collect financial and other personal information on all Americans in the name of homeland security. The new legislation doesn't permit this outrageous privacy violation—but it doesn't prohibit it, either.

There's more, but critics are cowed.

Mr. Bush snatched the homeland security issue from Senate Democrats, then clubbed them with it in a campaign that challenged their patriotism. A cynical play that matches this bill.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Michigan.

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

Mr. BYRD. The Senator can't do that. I have the floor.

Mr. REID. Oh, you have the floor. Sorry about that.

Ms. STABENOW. Mr. President, I thank the Senator from West Virginia. As the distinguished Senator knows,

we were on the floor last evening talking about this very subject related to the pharmaceutical industry and the fact that there is a provision in this bill that has been slipped in, more for the financial security of Eli Lilly and the pharmaceutical industry than homeland security. In fact, it jeopardizes the rights of families who are now in court as a result of an additive to a vaccine for infants that contains mercury, where the concern is that it may, in fact, lead to autism. That is yet to be determined, but there are serious issues of health.

What we now have in this homeland security bill is an effort to eliminate any responsibility from the Eli Lilly company for the possibility that a product of theirs may, in fact, lead to an extremely harmful health problem for children, autism. I find it outrageous that in the middle of trying to deal with homeland security and legitimate issues for the American people that we would find it is, in fact, the White House slipping into this bill an effort to protect people who were clearly one of their biggest backers in the last campaign. It is clear that when the pharmaceutical industry put up millions of dollars to support the efforts finished on election day, they already are receiving rewards as a result of what they did in the election.

The American people do not deserve this kind of approach. I appreciate the Senator bringing it to our attention again. I know there is an amendment to strike these items which I strongly support. I think it is absolutely outrageous that, while we are trying to do something serious for the American people, we would see this kind of help put into this bill for an industry that is already heavily subsidized by taxpayers.

Mr. BYRD. Absolutely.

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. DORGAN. Mr. President, I ask unanimous consent the Senator have 10 additional minutes.

The PRESIDING OFFICER. Is there objection to the unanimous consent request for 10 additional minutes for the Senator from West Virginia?

Mr. DASCHLE. Mr. President, I didn't hear the request.

The PRESIDING OFFICER. Is there objection to the unanimous consent request that the Senator from West Virginia be recognized for an additional 10 minutes?

Mr. DASCHLE. I have no objection.

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

Mr. NELSON of Florida. Will the Senator yield?

Mr. BYRD. Let me compliment the distinguished Senator from Michigan for her correct, characteristic, acute perception of what is in this bill. She spoke about this very item on yesterday. I wonder how many Senators were listening. She is speaking again today, quite appropriately, calling it to the attention of the Senate and the American people. I thank her.

I yield to the distinguished Senator from Florida, Mr. NELSON.

Mr. NELSON of Florida. Mr. President, I thank the Senator for yielding to me. Isn't it interesting, in the eleventh hour, the closing hours of the session, when the country is at war and a bill that is perceived to be vital to the defense interests of this country—

Mr. BYRD. Hear, hear.

Mr. NELSON of Florida. That there would be suddenly inserted or deleted—

Mr. BYRD. Oh, yes.

Mr. NELSON of Florida. For example, the provision that was deleted that passed unanimously in the Senate that we would have a bipartisan commission to understand the ramifications of September 11? That was in our version of the bill. And because the White House objected to that, even though an overwhelming vote had taken place in the House of Representatives, it was deleted. And because there was such an outcry, the morning's news says they are going to try to resurrect some bipartisan commission.

But it shows the legislative sleight of hand in the rush to adjournment that would now delete a provision so important to the security of this country, such as a bipartisan commission to find out what went wrong in the intelligence apparatus that led to September 11 and at the same time would insert provisions into this bill that would create all kinds of havoc, as enumerated by the Senator from West Virginia and the Senator from Michigan.

I thank the Senator for yielding.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Florida for his observations and for his contribution and for his service to his country, his service here in the Senate.

Liberty, freedom, justice, and right cry out today to be heard here on the Senate floor. I urge Senators not to vote later today for cloture. Let's see what else is in this bill. Let us have time to amend it, to correct the errors that may be in it, on behalf of the American people. I ask that we not vote for cloture today.

I suppose my pleadings, my importunings will fall upon deaf ears in many areas of the Senate Chamber, but please, let our constituents be heard on this bill which comes to us in the name of homeland security but within it has many injustices, many wrongs, I am sure, many things, many provisions the American people do not want.

I yield to the distinguished Senator from New Jersey.

Mr. CORZINE. Mr. President, the distinguished Senator from West Virginia has done a tremendous service to our Nation by pointing out, over the last several hours while we have been in session, some of the flaws in this 484-page bill, which many of us have been trying to study.

One of those flaws—and I would love to hear the Senator's comments—is with regard to freedom of information and the provision of that information

to the American people, and to the people in Congress who are responsible for oversight of this new Department. Is it not true that in this new Department there have been given broad waivers of opportunity for the administration—any administration—to pick outside advisory committees to come in and give advice, to make specific policy recommendations with regard to the direction of the country—not unlike what we saw with regard to our energy policy—and then not have any of that information made available to the public, where it can be challenged in situations where there is a serious concern about conflicts of interest and about how people might approach these issues.

I think, if I have read this right, there is an almost blanket ability for the administration—any agency, and not necessarily Republican or Democrat—to completely keep from Congress, keep from the State, keep from others the ability to understand what is taking place within the policy-making arrangements of this new Department.

Mr. BYRD. Mr. President, I thank the distinguished Senator for what he has just called to the attention of the Senate. What he has made reference to, I have every reason to believe, is section 871 dealing with advisory committees. Let me read it. I will have more to say about this. As a matter of fact, I will have an amendment to change this. It is section 871:

Advisory Committees.

(A) IN GENERAL.—The Secretary may establish, appoint members of, and use the service of, advisory committees, as the Secretary may deem necessary. An advisory committee established under this section may be exempted by the Secretary from Public Law 92-463, but the Secretary shall publish notice in the Federal Register announcing the establishment of such a committee and identifying its purpose and membership. Notwithstanding the preceding sentence, members of an advisory committee that is exempted by the Secretary under the preceding sentence who are special Government employees (as that term is defined in section 202 of title 18, United States Code) shall be eligible for certifications under subsection (b)(3) of section 208 of Title 18, United States Code, for official actions taken as a member of such advisory committee.

A separate reading of this language does not stir one's blood, but a clear understanding of the laws that are referenced begin to stir one's blood.

Under current law, advisory committees may be appointed and the President may exempt a committee on a case-by-case basis. The public has a right to know what these advisory committees are doing. The public has a right to know what is happening. They have a right to know what is going on in Government, in these advisory committees.

But here is a provision that will give the Secretary blank authority to keep from the public the knowledge of what these advisory committees are saying, as to what's going on, and so on.

Mr. CORZINE. Will the Senator yield for one more quick question?

Mr. BYRD. Yes.

Mr. CORZINE. Am I not correct this was neither in the original Lieberman proposal that came out of the Governmental Affairs Committee, nor was it in the compromise proposals that were on the floor before we went into recess? This is another one of these midnight strikes, additions, that is completely outside of any of the review process that we normally have, is that right?

Mr. BYRD. To the best of my knowledge, it is. My staff, upon a cursory examination of this bill, informs me this is something that is new. So the President and the Secretary will be given blanket authority. Whereas, at the present time, under the Advisory Committee Act—I believe that is what it is called, and it is referenced in this language—one has to see what is being said behind the lines here. But now the Secretary would have blanket authority to shut out the press. The press ought to be aware of what is in this bill, and the Senator from New Jersey is calling the attention of the Senate and the world—may we have order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 36 seconds.

Mr. SARBANES. Will the Senator yield?

Mr. BYRD. Yes.

Mr. SARBANES. Mr. President, I want to take advantage of these few seconds to thank the very able Senator from West Virginia for raising these extremely important questions about this legislation. This editorial I made reference to that was in the Baltimore Sun talked about all these other provisions that were coming in, and it went on to talk about the basic concept of this bill itself—something the Senator has been addressing for days on the floor of the Senate. Listen to this. They are talking about the homeland security bill:

First, the basic concept is flawed. Combining 22 separate departments and agencies with nearly 200,000—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SARBANES. I ask unanimous consent to proceed for 5 additional minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from West Virginia is recognized.

Mr. BYRD. I yield to the Senator from Maryland.

Mr. SARBANES. I will quote this:

First, the basic concept is flawed. Combining 22 separate departments and agencies with nearly 200,000 employees into one super agency is a recipe for bureaucratic chaos that will distract workers from their security duties, rather than sharpen their focus. New bosses, new locations, new personnel rules, new rivalries, new turf battles—these are the issues that will most concern workers in the years just ahead. How helpful is that? The recent squabble between the FBI

and the Bureau of Alcohol, Tobacco, and Firearms, neither of which is to be included in the new Department, demonstrates there is little chance of blending separate agencies to eliminate overlapping, and clarifying control can be anything but a bloody task.

Then they go on to say:

Union rights and other worker protections will be stripped from the employees of the new Department because the President says he needs new flexibility to hire, fire, and move people around. No convincing national security rationale has been offered to justify this broad power grab.

The problems inherent in this legislation, I have come to the conclusion, will divert focus, energy, and attention from the substantive challenge of providing homeland security to this kind of a procedural fight.

They are going to have to get a new location, new organization. They are going to be spending all their time on getting the boxes on the chart instead of focusing on the substance of the job that confronts them.

Mr. BYRD. Yes.

Mr. SARBANES. That is one of the basic points the Senator has been making consistently, as I understand it.

Mr. BYRD. How telling, how telling, how revealing what the distinguished Senator from Maryland just said in this excellent editorial in the Baltimore Sun. I thank him for that.

Senators need to wake up. Senators need to wake up as to what is going on.

Mr. President, I do not intend to take more time than I have because I know the leaders want to speak. How much time do I have?

The PRESIDING OFFICER. Two minutes and ten seconds.

Mr. BYRD. Does the distinguished Senator from Maryland have anything further to say?

Mr. SARBANES. No. I thank the Senator for yielding.

Mr. LEVIN. Will the Senator yield me 30 seconds for a parliamentary inquiry?

Mr. BYRD. Yes, I yield for a parliamentary inquiry.

Mr. REID. Will the Senator yield for an inquiry? The majority leader is in the Chamber and will take just a few seconds to offer a unanimous consent request. Can that happen? Then this dialog can take place for a long time after that.

Mr. BYRD. Yes, I yield to the majority leader. I hope I retain my 2 minutes.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the distinguished Senator from West Virginia retain the remainder of his time.

The PRESIDING OFFICER. The Senator from West Virginia retains the remainder of his time.

Mr. DASCHLE. Mr. President, after I have propounded this unanimous consent request.

UNANIMOUS CONSENT  
AGREEMENT—H.R. 3210

Mr. DASCHLE. Mr. President, I ask unanimous consent that immediately

upon passage of H.R. 5005, the homeland defense bill, the Senate proceed to the terrorism insurance conference report to accompany H.R. 3210; that the Senate then vote immediately on cloture on the conference report; that if cloture is invoked, the Senate then immediately, without any intervening action or debate, vote on passage of the conference report; that if cloture is not invoked, the conference report continue to be debatable.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I do not fully understand this request. I want to know what this does to homeland security.

Mr. DASCHLE. Mr. President, if I can respond to the distinguished Senator from West Virginia, this has no effect at all on the debate on homeland defense. All Senators are protected with regard to their rights under cloture, if cloture is invoked on homeland security. This only deals with the next issue, the terrorism insurance bill, to be taken up once homeland defense has been completed.

Mr. BYRD. Mr. President, further reserving my right to object, and I will be very brief, I am supportive of the measure the distinguished majority leader is seeking to advance in connection with this request. Does this in any way have a psychological effect with respect to the cloture we are going to vote on this morning?

I plead to Senators—further reserving my right to object—I plead with Senators not to invoke cloture today. I understand cloture will be invoked at some point. I just hope it will not be today. I hope we will have the weekend for our staffs to study this bill so that we will be better prepared after we have had more time to study it.

What I am concerned about is the desire to get to the bill about which the majority leader is speaking and which I fully support. I hope that desire will not have some psychological impact on Senators causing them to vote for cloture today.

I wonder if our two leaders would propose a unanimous consent request that would vitiate a cloture vote for today, push the cloture vote over until Monday. I know cloture is going to be invoked, but for God's sake, for Heaven's sake, for the sake of liberty and justice, and for the sake of Senators being able to understand what they are voting on in this 484-page bill that has been sprung on us—and we have only been able to see it at the beginning of Wednesday, the day before yesterday—would the leaders please consider at least vitiating that vote and putting it over until Monday so that we and our staffs will have some more time for study?

For Heaven's sake, would the majority leader and minority leader consider this request? That is all I am asking.

I know cloture is going to be invoked at some point, but for Heaven's sake, we have a right to know what is in this 484-page bill, and the people out there who are watching this debate through those electronic lenses have a right also to know. We have a duty to know what we are voting on. At this moment, as we get ready to invoke cloture, we do not know what is in this bill.

Mr. President, I remove my reservation.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? Without objection, it is so ordered.

Mr. DASCHLE. I thank all of my colleagues. I thank in particular the distinguished Senator from West Virginia. I yield the floor.

#### ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from West Virginia retains the floor.

Mr. DASCHLE. Mr. President, I ask for the regular order which, as I understand, acknowledges 2 minutes remaining for Senator BYRD.

The PRESIDING OFFICER. The Senator from West Virginia has 1 minute 30 seconds remaining, and Senator LOTT retains 4½ minutes.

Mr. BYRD. I yield 1 minute to Senator LEVIN.

#### STATUS OF AMENDMENTS

Mr. LEVIN. Mr. President, parliamentary inquiry: A large number of amendments have been filed which, on their face, appear to be relevant to this bill. If cloture is invoked, not only non-germane but even relevant amendments would be precluded from being offered.

My parliamentary inquiry is this: How many of the amendments which have been filed and reviewed by the Parliamentarian would fall as being non-germane?

Mr. BYRD. What bill is the Senator referencing?

Mr. LEVIN. Homeland security.

The PRESIDING OFFICER. The Chair will attempt to answer that question.

Mr. LEVIN. The list I have, they all appear, most appear to be relevant amendments, but because of the technical rules, many of these would not be allowed apparently; many would be not allowed if they are not strictly germane. How many of these amendments are non-germane in the eyes of the Parliamentarian?

The PRESIDING OFFICER. The Parliamentarian advises the Chair that of the list of approximately 40 amendments, preliminary analysis indicates 10 are not germane and roughly 30 are either germane or are clearly relevant.

Mr. BYRD. Will the Chair repeat the response?

Mr. LEVIN. Ten of these amendments could not be offered after the vote.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Would the Chair repeat—

The PRESIDING OFFICER. And that is homeland security.

Mr. BYRD. Would the Chair please repeat the response that was given to the Senator from Michigan so we can hear it? I did not hear the response.

The PRESIDING OFFICER. Of the list of approximately 40 amendments, preliminary analysis indicates 10 are not germane. Approximately 30 are either germane or are arguably germane.

Mr. LEVIN. That was not the question. The question is, Of the amendments reviewed, how many would not be strictly germane and therefore would fall?

The PRESIDING OFFICER. There are 10 amendments.

Mr. LEVIN. Pardon?

The PRESIDING OFFICER. Ten.

The time of the Senator from West Virginia has expired. The Republican leader has 4½ minutes. The Republican leader is recognized.

Mr. GRAMM. Will the Republican leader yield to me?

Mr. LOTT. Mr. President, I yield time off my leader's time. How much time does the Senator from Texas need?

Mr. GRAMM. We have 4½ minutes. Ten minutes.

Mr. LOTT. I yield 10 minutes of leader's time to Senator GRAMM.

The PRESIDING OFFICER. The Senator from Texas is recognized for 10 minutes.

#### HOMELAND SECURITY

Mr. GRAMM. Mr. President, we have drifted into a debate which I think we should be engaged in now, and that is a debate on whether we should vote for cloture on the pending amendment and, therefore, cloture to proceed with homeland security.

At this late hour, I do not think anybody is going to be convinced in terms of whether this is a good thing or a bad thing as it is written. I think people have pretty well reached that decision. I simply would like to make a couple of points that I think are important in making the decision.

I begin by saying I do not think anybody set out with a goal of homeland security becoming an issue that sort of divided us along party lines. I do not think anybody had that intention, but the net result is it happened. We now are at a point where we have one last opportunity to do this bill.

I make two arguments for doing it that I think are strong, and I make them not to the people who are for it—they are already convinced and I hope they will not listen because I do not want to change their mind. I want to make my argument to the people who are on the other side of the issue.

The first argument is that we have had an election. It is very easy in elections to read into them what you want