Mr. STEVENS. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. Reid), for himself, Mrs. CLINTON, Mr. SCHUMER, Mr. LIEBERMAN, and Ms. STABENOW, proposes an amendment numbered 440.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide critically needed funding for the federal government to safeguard national security assets and the American people from serious nuclear threats.)

For an additional amount for homeland security expenses, for “Operations and Maintenance, General,” $29,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WATER AND RELATED RESOURCES

For an additional amount for homeland security expenses, for “Water and Related Resources,” $35,000,000, to remain available until expended.

DEPARTMENT OF ENERGY
ENERGY PROGRAMS

For an additional amount for “Science” for emergency expenses necessary to support safeguards and security activities, $10,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES
NATIONAL NUCLEAR SECURITY ADMINISTRATION
WEAPONS ACTIVITIES

For an additional amount for “Weapons Activities” for emergency expenses necessary to safeguard nuclear weapons and nuclear material, $70,000,000, to remain available until expended: Provided, That $30,000,000 of the funds provided shall be available for secure transportation asset activities; Provided further, That $40,000,000 of the funds provided shall be available to meet increased safeguards and security needs throughout the nuclear weapons complex, including nuclear nonproliferation verification programs, including $2,500,000 for the Caucasus Nuclear Nonproliferation Network; Provided further, That $15,000,000 of the funds provided shall be available for nuclear nonproliferation verification programs, including $2,500,000 for the Caucasus Nuclear Nonproliferation Network; Provided further, That $15,000,000 of the funds provided shall be available for nuclear nonproliferation verification programs, including $2,500,000 for the Caucasus Nuclear Nonproliferation Network; Provided further, That $15,000,000 of the funds provided shall be available for nuclear nonproliferation verification programs, including $2,500,000 for the Caucasus Nuclear Nonproliferation Network; Provided further, That $15,000,000 of the funds provided shall be available for nuclear nonproliferation verification programs, including $2,500,000 for the Caucasus Nuclear Nonproliferation Network; Provided further, That $15,000,000 of the funds provided shall be available for nuclear nonproliferation verification programs, including $2,500,000 for the Caucasus Nuclear Nonproliferation Network; Provided further, That $15,000,000 of the funds provided shall be available for nuclear nonproliferation verification programs, including $2,500,000 for the Caucasus Nuclear Nonproliferation Network; Provided further, That}
Iraq: Provided further, That $10,000,000 of the funds provided shall be available for nuclear material detection materials and devices: Provided further, That $10,000,000 of the funds provided shall be available for low-yield nuclear detection: Provided further, That $5,000,000 of the funds provided shall be available for a radio-nuclide deployable analysis system: Provided further, That $5,000,000 of the funds provided shall be available for U.S. export control nuclear security: Provided further, That $3,000,000 of the funds provided shall be available for support of proliferation analyses in post-war Iraq: Provided further, That $1,000,000 of the funds provided shall be available for vulnerability assessments of spent nuclear fuel casks.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for "Defense Environmental Restoration and Waste Management," or emergency expenses necessary to support safeguards and security activities at nuclear and other facilities, $15,000,000, to remain available until expended.

DEFENSE FACILITY CLOSURE PROJECTS

For an additional amount for "Defense Facility Closure Projects," or emergency expenses necessary to support safeguard and security activities at nuclear and other facilities, $5,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities," $18,000,000, to remain available until expended, for increased safeguards and security of Department of Energy facilities and personnel, including intelligence and counterintelligence activities: Provided, That this amount shall be available for transfer to other accounts within the Department of Energy for other expenses necessary to support elevated security conditions 15 days after a notification to the Congress of impending transfers.

The PRESIDING OFFICER. Under the previous order, the amendment is set aside.

The Senator from South Carolina.

AMENDMENT NO. 46

Mr. HOLLINGS. Madam President, port security is much like the weather: Everybody talks about it, but we haven't done anything about it. The fact is, we are in a crisis, in an emergency. If anything would respond to an emergency, particularly those that have been designated major ports and are subject to serious terrorist action.

We have $232 billion that has been brought into the public debt to the penny that the Secretary of Treasury puts out. That will go up, up, and away. We will get a kicker here in 14 days with the April 15 tax returns, but then just as we had in 2001, we were in the black on June 1, we passed a tax cut on June 8, and on June 28 we were $50 billion in the red. And by September 10, 2001, it was $99 billion in the red.

Everyone says: Well, 9/11 caused the deficit. No. It is the fact that we have been having too much cuts that caused the deficit to balloon. The distinguished Presiding Officer of the Senate knows what voodoo is because that is what Vice President George Herbert Walker Bush called President Reagan's tax cuts that were supposed to grow and grow the economy.

You only have to turn to this morning's paper and look at the cartoon to see that with so-called growth, the only thing growing are these deficits. And they are going up, up, and away.

So let's not start getting frugal and careful. Let's do get responsible and vote for the money that gives our ports can crew those vessels. It was his ship that went into Mombasa, the port in Kenya, and blew up the embassy at Nairobi and the one at Dar es Salaam in Tanzania. So he knows about ship operations. He is intimate with it. He could easily put his crew in. He could just get on that ship, out of the tip of Exxon, let's say, going up the Delaware River to the port in Philadelphia, and just before they get there, they can take the crew and captain, throw them overboard, kill them, or whatever, just as they did in New York, and at the Pentagon. Then they can blow that ship up at that tank farm in Philadelphia.

We have studied this. The eastern seaboard would close down. I have seen a lot of work done on this. This is not just an amendment of the moment. On the contrary, we find out from Booz Allen Hamilton in their particular study—it is too voluminous to have to do— that relatively speaking, at this point—that the eastern seaboard could close down. And what would happen if they would have to close down the stock market and everything else? There would be total chaos just from one particular incident of that kind.

So we know the jeopardy that we experience here. We have to take care of these ports. We also have to take care of the warwater systems such as the Golden Gate Bridge and those other things.

We tried to get $2 billion for 2 years and in the supplemental and budget we just passed, we passed unanimously, $1 billion. This is just what we voted on a week before last, $1 billion.

I know my distinguished chairman is going to say we don't have any money. We have money, come on. Here we are already $232 billion in the red that we borrowed, and that stopped the first week in March. So for the month we have been saying $232 billion. We didn't want to rush in last 6 months. We have just been saying it is $232 billion and everything else? There

Iraq: Provided further, That $1,000,000 of the funds provided shall be available for support safeguards and security activities at nuclear and other facilities, $15,000,000, to remain available until expended.

Provided further, That $10,000,000 of the funds provided shall be available for vulnerability assessments of spent nuclear fuel casks.
a start at security. You have the Coast Guard. You have the Drug Enforcement Administration. You have the Customs. You have the various other entities of the State port administrations. You have the FBL.

We are trying to coordinate them all under the particular plan. It has to be approved by the Transportation Security Administration before any money is disbursed. This is not just sending back grants and that kind of thing—unless and until we can get this money here to help out these local folks.

When I talk about security at the port, let me talk about the actual practice before 9/11. Operators of ports were not concerned with security. It was about No. 10 or 20 on their list of concerns. As a result, the FBI has found that between $12 and $24 billion in theft is going through the ports of America every year. They just added that into the customs.

The name of the game in port operation is swiftness, speed, expedition; get the cargo in, get it out, don’t let it stay on the dock. It costs those ships at the dock $15,000 to $20,000 a day. So they are trying to compete with each other on speed, and it is a healthy competition.

But now they have to change their attitude—and I don’t have any lobbyists looking out for port security. I wish they would hire the airline lobbyists. We gave out $1 billion—just gave the money—$1 billion for airlines. We gave them another $1 billion just for the cost of security. But $1 billion was just because they did not know how to run the airlines.

And now we are going to talk about $1 billion for all the ports of America. I hope I can get the help of the distinguished Senator from Texas. She has a very dangerous situation in Houston. You can come 50 miles up that river, and those gas plants on either side—propane plants and otherwise—you could blow it. And according to these studies by Booz Allen, it blows down the economy for a year. We are playing around with the people who make enough business so we give them $1 billion. And we give them another $1 billion for the security.

This particular amendment—which should be bipartisan because this is what we all voted for last year—is just exactly what is needed.

Go to the expenditure of that $1 billion, and it calls for $93 million to remain available until December 31 for the Coast Guard. That is $50 million for port vulnerability. That is the boarding equipment and everything else of that kind with respect to those assessments.

There is $7 million for the purchase of radar and detection equipment. And there is some $36 million for the maritime safety and security teams.

We know every plane that approaches the United States of America. We have alerts, and they respond. But we do not know with respect to the ships themselves.

So we need not only a transponder arrangement, but we have to have at least, at the 12 major ports, the equipment to receive the message. We don’t have that. Even if they all had transponders like the aircraft in America, we don’t have the equipment within the Coast Guard to identify them.

So this $57 million is for radar coverage of two-thirds of the United States with positioning systems to pick up that broadcast. A third, of course, goes into the internal river system, such as the Mississippi River and the environment else for which the Coast Guard is responsible. That is exactly what is needed in the Coast Guard.

I felt bad two days ago when I was watching the President on TV, and the nearest thing we have to port security at the Port of Philadelphia was his Coast Guard jacket. He had all the Coasties standing behind him, but they didn’t have any money in their pockets. They were dead broke. I can tell you that right now. If you don’t believe it, just read the headline in this morning’s Washington Post: “Traditional Coast Guard Duties Suffer, Study Says.”

(Admiral) Collins said President Bush’s $6.8 billion budget request for the Coast Guard represents a $1.6 billion increase over the agency’s initial fiscal 2002 budget. He said that by fiscal 2004, the Coast Guard will have increased its workforce by 4,100 people since Sept. 11, 2001.

But he said:

I assure you that nothing is more important than the United States Coast Guard than to be ready to perform all of these missions with distinction and excellence.

I quote from the this particular article:

After questioning from lawmakers, (Admiral) Collins conceded the 42,000-person Coast Guard has more challenges than resources to meet them. He said some equipment and personnel will have to be diverted from more traditional roles to homeland security efforts, although partnerships with the Navy and foreign governments could help take up the slack.

And they are working on those.

We have had hearings with Admiral Loy, with Mr. Collins, and with Commissioner Bonner of the Customs Service. We have gone overseas to try to streamline this issue so that we can actually inspect the cargo and facilitate it when it comes to port. We have hearings here in the United States. And he has worked that out with some 17 ports; that is, Commissioner Bonner. You have to give him credit. We have all been working. We have not just sat around pouting and sucking our thumbs waiting for the money. But here it says:

Do we have more business than we have resources?

The answer is:

Yes, Collins said. We are challenged like never before to do all that America wants us to do.

The GAO cataloged a 60 percent decline in Coast Guard hours spent on drug interdiction. . . . [They got] a 30 percent decline in fisheries enforcement.

And I could go on. Madam President, I ask unanimous consent to have the entire article printed in the RECORD.

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

(From the Washington (DC) Post, Apr. 2, 2003)

TRADITIONAL COAST GUARD DUTIES SUFFER, STUDY SAYS.

By Christopher Lee

Coast Guard efforts to capture drug trafﬁckers and patrol commercial ﬁsheries have suffered as it has turned its focus to homeland security since the Sept. 11, 2001, terrorist attacks, according to a study released yesterday.

The declines uncovered by the General Accounting Ofﬁce, the congressional watchdog agency, stoked concerns among lawmakers that the Coast Guard might neglect its old missions as it trains its energy on securing the nation’s ports, waterways and coastal areas.

At a hearing yesterday on the Coast Guard’s transition to the Department of Homeland Security, which it joined March 1, Rep. Frank LoBiondo (R-N.J.), chairman of a House subcommittee on Coast Guard and maritime transportation, called the GAO report “thorough and eye-opening.”

“The Coast Guard’s traditional missions such as search and rescue, drug and migrant interdiction, pollution prevention, boater safety and fisheries law enforcement must be preserved,” LoBiondo said.

Adm. Thomas H. Collins, head of the Coast Guard, tried to assure lawmakers that his agency could meet all of its old obligations while ramping up its counterterrorism efforts, such as conducting vulnerability assessments at all of the nation’s ports and, more recently, supporting military operations in the Middle East.

“I assure you that nothing is more important to the United States Coast Guard than to be ready to perform all of these missions with distinction and with excellence,” he testiﬁed yesterday.

Collins said President Bush’s $6.8 billion budget request for the Coast Guard represents a $1.6 billion increase over the agency’s initial fiscal 2002 budget. He said that by fiscal 2004, the Coast Guard will have increased its workforce by 4,100 people since Sept. 11, 2001, and mobilized thousands of reservists. He said Bush has asked for an additional $580 million for the agency in his 2003 supplemental funding request.

After questioning from lawmakers, Collins conceded the 42,000-person Coast Guard has more challenges than resources to meet them. He said some equipment and personnel will have to be diverted from more traditional roles to homeland security efforts, although partnerships with the Navy and foreign governments could help take up the slack.

He also conceded that the Coast Guard is behind schedule in completing its vulnerability assessments of 55 ports.

“Do we have more business than we have resources? Yes, “Collins said. “We are challenged like never before to do all that America wants us to do.”

The GAO cataloged a 60 percent decline in Coast Guard hours spent on drug interdiction in the past three months of 2002, compared with the same period in 1998. It also found a 35 percent decline in fisheries enforcement—protecting fishing grounds from foreign encroachment and enforcing domestic fishing laws.

At the same time, the Coast Guard dramatically shifted resources to protect the nation’s ports and waterways, including deploying ships and aircraft to search for harbor patrol boats and Coast Guard helicopters.

The Coast Guard devoted 91,000 “resource hours”—a measurement of
equipment used on missions—to coastal security in the first quarter of fiscal 2002. That was up from 2,400 hours during a similar period in fiscal 1999. The number fell to 37,000 hours during the beginning of fiscal year 2003.

Other areas, such as search-and-rescue efforts and maintaining navigation aids, remained at the same levels as before September 11, 2001, the GAO said.

JayEtta Z. Hecker, the GAO analyst who presented the report, told lawmakers the Coast Guard “cannot be all things to all people.”

“Even if you give them more money,” she said, “the challenge of absorbing more money is such that you cannot naturally solve this.”

Collins agreed with the GAO figures, but said they account for only resource allocation, not results. He noted, for instance that the Coast Guard seized 72.2 tons of cocaine in fiscal 2002, its third-highest yearly total.

“We’re getting outcomes and high productivity,” he said. “That’s efficiency.”

Committee members told Collins they recognized that Congress has heaped new responsibilities on the Coast Guard.

“We’re getting outcomes and we’re saying, ‘Keep your traditional roles’ at the same time,” said Rep. Bob Filner (D–Calif.).

“หารฟุ่ม你想在有什么非常困难的位置。”

Mr. HOLLINGS. So, Madam President, for ports, and we are going to come and get a lot of money, and ride in on an emergency supplemental. We begin with this fact: this is an emergency. We have these folks working around the clock.

And I want to continue, before I yield, to make sure that we have outlined exactly what we need the amount for.

Now, there is an additional amount for customs and border protection of $100 million. That is broken down with $110 million for the deployment and installation of port screening equipment.

We have $110 million for the radiation detection equipment at U.S. ports.

Prepared for this purpose, this is a tough vehicle. Security officers, that kind of thing. So the Governor of South Carolina, on this orange alert the week before last, had to get patrol officers to the port of Charleston. I saw it myself. That is the kind of strain and stress from the emergency we are in.

But $30 million is for the worker identification card. That was a tough union thing. The unions are on the background checks, and they are ready to move quickly. Now the unions said, you put that in law. You know how it is when they recommend somebody for a judge, then sit another 3 months before the FBI gets around to them. That is the situation here with all of these security personnel. Anybody who enters that secure area has an identification card. That was a tough vehicle.

Otherwise, there is $50 million for the Bureau of Customs and Border Protection to flesh out their Operation Safe Commerce which is the Coast Guard assessment in the Register. The Coast Guard submitted in the Federal Register a thing where it would cost to get these assessments and things going. I ask unanimous consent to print that in the RECORD.

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

Based on this analysis, the first year cost would be approximately $1.4 billion, with costs of approximately Present Value (PV) $67.5 billion over the next 10 years (2003–2012, 7 percent discount rate). The preliminary cost analysis in Appendix C presents the costs in three sections: vessel security, facility security, and port security. The following is a summary of the preliminary cost analysis.

Vessel Security. The first-year cost of purchasing equipment, hiring security officers, and preparing paperwork is approximately $188 million. Following initial implementation, the annual cost is approximately $144 million. Over the next 10 years, the cost would be PV $1.1 billion approximately. The paperwork burden associated with planning would be approximately 140,000 hours in the first year and 7,000 hours in subsequent years.

Facility Security. The first-year cost of purchasing equipment, hiring security officers, and preparing paperwork is an estimated $685 million. Following initial implementation, the annual cost is approximately $75 million. Over the next 10 years, the cost would be PV $1.4 billion approximately. The paperwork burden associated with planning would be approximately 465,000 hours in the first year and 17,000 hours in subsequent years.

Port Security. The first-year cost of establishing Port Security Committees and creating Port Security Plans for all port areas is an estimated $120 million. The second-year cost is approximately $106 million. In subsequent years, the annual cost is approximately $46 million. Over the next 10 years, the cost would be PV $477 million approximately. The paperwork burden associated with planning would be approximately 1,090,000 hours in 2003, 1,278,000 hours in 2004, and 277,000 hours in subsequent years.
The amendment is as follows:

DEPARTMENT OF HOMELAND SECURITY
United States Coast Guard
OPERATING EXPENSES

For an additional amount for "Operating Expenses", $95,000,000, to remain available until December 31, 2004, of which not less than $50,000,000 shall be for port vulnerability assessments and the port vulnerability assessment program, and not less than $20,000,000 to be available for the purchase of radiation detection equipment, and not less than $30,000,000 shall be for the establishment of Maritime Safety and Security Teams.

ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction and Improvements", $57,000,000, to remain available until December 31, 2004, for the Automated Identification System and other tracking systems designed to actively track and monitor vessels operating in United States waters.

BORDER AND TRANSPORTATION SECURITY

For an additional amount for "Customs and Border Protection", $160,000,000, to remain available until December 31, 2005, of which not less than $10,000,000 shall be for the installation of port security screening equipment at our Nation’s seaports, and of which not less than $50,000,000 shall be for the evaluation and implementation, in coordination with the Transportation Security Administration, to secure systems of transportation such as the Container Security Initiative and the Customs-Trade Partnership Against Terrorism.

TRANSPORTATION SECURITY ADMINISTRATION

For an additional amount for "Salaries and Expenses", $880,000,000, to remain available until December 31, 2005, of which not less than $600,000,000 shall be available for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, not less than $30,000,000 shall be for continued development and implementation of the Transportation Worker Identification Card as well as for background checks of transportation workers who work in secure areas or who work with sensitive cargo or information, and not less than $50,000,000 shall be for the evaluation and implementation, in coordination with the Bureau of Customs and Border Protection, of secure system of transportation such as Operations Safe Commerce.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $10,000,000, to remain available until September 30, 2004, for the development of seaport security training programs, and for equipment and personnel to provide training to Federal, State and local law enforcement agencies and, notwithstanding any provision of law, private security personnel performing seaport security functions.

Mr. BYRD. Mr. President, the amendment before the Senate addresses what many experts view as the largest vulnerability in the Nation’s defenses here at home. This amendment would direct critical funds to the Nation’s seaports.

During the Senate Appropriations Committee’s homeland security hearings last year, one witness, Stephen Flynn, noted that the Nation’s seaports "are the only part of an international boundary that the Federal Government invests no money in terms of security. . . Most ports, the best you get is a chain link fence with maybe some barbed wire. Is that comforting?"

Consider that U.S. ports receive 16,000 cargo containers per day and 6 million containers per year that U.S. ports are home to oil refineries and the processing of less than $600,000,000 shall be available for "Salaries and Expenses", $680,000,000, to remain available until December 31, 2003, of which not less than $50,000,000 shall be for the continuation of Maritime Security and other tracking systems designed to actively track and monitor vessels operating in United States waters.

The amendment is as follows:

The Port of Los Angeles and the Port of Long Beach, each in California, account for 35 percent of the international trade moving into and out of the United States. Port officials estimate that they need $10 million to build a container inspection facility where suspicious packages and freight can be opened and inspected. Similar realities face ports up and down the Atlantic and Pacific seaboards.

During the Senate Appropriations Committee’s homeland security hearings last year, one witness, Stephen Flynn, noted that the Nation’s seaports “are the only part of an international boundary that the Federal Government invests no money in terms of security. . . Most ports, the best you get is a chain link fence with maybe some barbed wire.”

Is that comforting?

Consider that U.S. ports receive 16,000 cargo containers per day and 6 million containers per year that U.S. ports are home to oil refineries and the processing of dangerous materials than could ever be smuggled in an airplane or a truck crossing a land border.

Yet, despite the clear danger, the best port protection the American people have is a chain link fence? It is unfathomable why we have not insisted that this amendment be signed into law months ago.

Last November, the President signed the Maritime Transportation Safety Act, which amendment provides $1 billion to begin addressing these Federal requirements.

Specifically, this amendment provides $600 million in port security grants to begin to assist our seaports in hardening their physical security to comply with the Federal law. Additionally, the authorizing legislation requires that all vessels operating in U.S. waters carry equipment which will allow the Coast Guard to actively track and monitor their movements. This amendment provides $57 million so the Coast Guard can establish a system to track these vessels.

The amendment also addresses other critical port security needs such as providing additional screening equipment for our seaports and funds to expedite the port security assessment program. Funds are also included to establish three additional Coast Guard Maritime Safety and Security Teams for domestic port security needs.

Funding is providing to improve secure systems of cargo transport from the port of departure overseas to the port of arrival in the United States.

The law creates national and regional maritime transportation/port security plans to be approved by the Coast Guard, including better coordination of Federal, State, local, and private enforcement agencies.

The law mandates the development of regulations to determine secure areas in ports and to limit access to these areas through background checks that will result in a transportation security identification card.

The bill also establishes a grant program for local ports, waterfront facilities operators, and State and local agencies to provide security infrastructure improvements.

But again, there’s no money.

Port Security must be a priority.

The Hart-Rudman report was released last October. Their report, “America Still Unprepared—America Still In Danger,” discusses the shortcomings in port security. This report would be $6 billion. But despite the clear danger, and despite the overwhelming vote of approval by Congress to authorize security improvements at our seaports, the dollars have not been forthcoming.

International authorities have linked 20 merchant vessels to Osama bin Laden. Some of the vessels are thought to be owned outright by bin Laden business interests, while others are on long-term charter. The Times of London reported in October 2001 that bin Laden hired his ships to import into Kenya the explosives used to destroy the U.S. embassies in Kenya and Tanzania in 1998.

This amendment would make sure that more than a chain link fence is protecting the nation’s ports. Children learn to hop a fence at an early age. How hard would it be for a terrorist?

I urge my colleagues to support this amendment.

Mrs. BOXER. Mr. President, I am pleased to co-sponsor the port security amendment offered by Senator Hollings.

In the wake of the terrorist attacks on September 11, ports are struggling with an entirely new set of challenges to secure ports, cities and the economy from the possible threat of terrorism. This is a huge task.

I was fortunate to be named as a co-ferrer on the port security bill last year.

The bill that became law was a good beginning. It would greatly improve security at our Nation’s port in light of the challenge following September 11. But only if we provide the money. And so far, we have failed to do so.

I feared this would happen. Many potential funding options were suggested during the conference. But, all of them were rejected by the other body. So, we had no funding source. We had to rely on appropriations. And, we are not provided with enough funding for our local ports.

Let me explain why this law is so crucial and why we must fund it with this amendment.

The law creates national and regional maritime transportation/port security plans to be approved by the Coast Guard, including better coordination of Federal, State, local, and private enforcement agencies.

The law mandates the development of regulations to determine secure areas in ports and to limit access to these areas through background checks that will result in a transportation security identification card.

The bill also establishes a grant program for local ports, waterfront facilities operators, and State and local agencies to provide security infrastructure improvements.

But again, there’s no money.

Port Security must be a priority.

The Hart-Rudman report was released last October. Their report, “America Still Unprepared—America Still In Danger,” discusses the shortcomings in port security. This report...
recommends making “trade security a global priority.”

According to the report, 43 percent of all maritime containers that arrived in the United States in 2001 came through the ports of Los Angeles and Long Beach. The ports of Los Angeles and Long Beach requested $70 million in post-September 11 security grants. To date, they have received only $6.175 million.

That’s just one port. The American Association of Port Authorities estimates the costs of adequate physical security at the Nation’s commercial seaports to be $2 billion. Only $92.3 million in Federal grants have been authorized and approved.

We know that last year with the closing of the West Coast ports because of a lockout, the cost to the economy was $1 billion per day for the first five days. Then, the costs increased exponentially. This shows how vital it is for our economy to keep the ports operating.

If there was an incident at any port in the country, all the ports would be closed. This would cost billions and billions per day.

The Hart-Burdman report also says we need to be proactive. We have identified the threat, but we haven’t done enough to protect our ports.

This amendment provides $1 billion for port security, including $800 million in grants for local ports. We want to keep our homeland unprotected against terrorism. This is why I encourage my colleagues to support this amendment to add more funding for port security.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I am grateful to my friend from South Carolina for the way he has put this amendment. Unfortunately, it is part of a large stream of amendments. If this were the only amendment offered for Coast Guard expenses and to homeland security in addition to this bill, as manager of the bill, I would have no difficulty in dealing with it. But we expect a whole series of amendments during this period.

I want to point out this bill came to us as a defense supplemental for the purpose of meeting the needs of the conduct of three separate war operations. We have a war on terrorism, a war in Iraq, and a war in Afghanistan. Of the total that we have coming out on the committee bill, we have $78.7 plus billion. It is really $78,736,600,000. Even Everett Dirksen thought that was a lot of money. But when you look at this, what was asked for, for the total for homeland defense, $4,676,000,000, that is on top of what has already been appropriated for the Department of Homeland Security in the omnibus bill we just passed and what will be appropriated in the fiscal year 2004. I call that a smallpox amendment which is already in the bill. Those moneys can and will be spent before September 30 of this year. They must be. We don't have an extension on them. They are all money to be spent this year.

This money the Senator seeks is money that could be the next 2. 3 years. Who knows how long it will be before we identify the tracking systems that can track and monitor vessels in U.S. waters that are better equipment than we have now. We have some, but it is not good. We know that. It is absolutely needed. In particular, I seek to join in trying to check the backgrounds of transportation workers. I would very much like to be involved in finding ways to finance the screening equipment that deals with containers coming into our ports. But this isn’t the place to do it.

I told the Senate before this morning— I have asked the Chairman of the Joint Chiefs and the individual service chiefs when this money is needed. They thought it was in early May and continued through June, so this money has to be there. It cannot be there if we get items to continue this bill and carry us into a period beyond the recess we intend to take for Easter. I say respectfully to my friend, it is just not something we can handle.

The administration takes the position that the 2003 bill and 2003 supplemental and the 2004—those are all fiscal years—appropriations bills have $1 billion for port security, customs, transportation, law enforcement, domestic preparedness, and other items.

The bill we have in place—the 2003 Appropriations Act—contains the largest increase in Coast Guard in the history of the United States, over $1 billion more than 2002. The Senator from South Carolina and I were partially responsible in that. We joined together in that fight on the omnibus bill. At 2004, the discretionary of the Coast Guard will be increased by another billion and a half, another 36 percent over 2002. That will add to the Coast Guard in excess of $2.5 billion for the period of 2004.

Now, we are moving toward these things, but we cannot do them all in this bill, which is designed to be a supplemental for 2003.

By the way, I am very concerned about the container security initiative. I met with the Secretary from New York and he is working on this, but we don't need more money now. We need some results, as far as the basic investments in technology. The President’s
budget has $375 million in the 2004 budget for just that—initiatives and technology investments, radiation detection, x-ray machines for cargo containers. That is not even available yet. We don’t have the state-of-the-art equipment to do that some of these amendments insist we must. And things I want to do in the long run.

This Senator still represents more than half of the coastline in the United States. Everything we eat and consume and put on our backs comes to us from outside. We are the one State totally dependent upon transportation, particularly marine transportation. I will work night and day with my friend to see we can get there when we develop the technology that we can approve. But we cannot put the money out in front of the technology. I think we have to have more money for assessments, portal monitors, maritime safety, and response teams—I support those—automated identification systems, security programs, transportation worker IDs. But those are not wartime-related costs.

We are in three wars at one time. Please, let me ask the Senate to remember that. That is what my job is—to try to pass anything as possible to address wartime-related costs at the request of the President of the United States. That is what I intend to do.

This amendment should not be included in the wartime supplemental funding. I regret that when the time comes I shall move to table my friend’s amendment. I don’t know whether he wants to respond or not. I don’t know whether we want to vote at this time or not. A lot of things are going on in the building. I will rely on the leadership, I ask my friend if he wishes me to allow him to respond.

Mr. HOLLINGS. I want to respond.

Right to the point, the distinguished chairman, yes, he has generously agrees, and he talks knowingly of the importance of the ports and the need for security. He knows because Alaska has coastlines. We have ANWR that we have all been debating. I wish they would read the book on John D. Rockefeller. Rockefeller made his money not from oil, but on the delivery of oil. This is the delivery of ANWR and oil out of Alaska at the Port of Valdez, which has no security whatever. It is a typical port, just like in my hometown, that was used in port security. But after 9/11 things changed, and we are just bringing them in now and getting those plans promulgated.

Let me emphasize that this was done totally in conjunction with Secretary Mineta and the Transportation Security Administration. Specifically, Admiral Loy was then head of the Coast Guard when he found those needs out. He reaffirms those needs as the Administrator of the Transportation Security Administration.

Now, my distinguished friend talks about things “wartime related.” Oh, yes, Iraq is a war, Afghanistan is a war, but here at home is terrorism not a war? What is he talking about? We are responsible for the security and we ran around and did just that—we passed the port security measure 100 to 0 through here, but we didn’t put the money behind it. So they haven’t had but $93 million out of $29.8 billion that we authorized.

I have served on the Appropriations Subcommittee on Defense for over 30 years. I know about wartime-related expenses. We would not deny in a second that those plans promulgated. But after 9/11 things changed, and we are just bringing them in now and getting those plans promulgated.

But after 9/11 things changed, and we are needing those plans promulgated. Specifically, Mineta and the Transportation Security Administration when he found those needs out. Admiral Loy was then head of the Coast Guard—we have drained them all for those frontline troops and have sent them to Iraq. The policemen, the firemen, the Reserve officers, the National Guard—we have drained them all for Iraq, and then all of a sudden act like there is not a terrorism war.

The Senator says this is a wartime-related Defense supplemental. That is what I am talking about: Money to be expended on defense, on home security defense, that we are all worried about, and we act like it is not important at all; that it is just some domestic program we can get to later on. I wish I had a ship. I would run it up some river and blow it up and leave it up, and let the money come. But right now we have a system where the chairman—I can’t even get anybody on the floor, the chairman has told them to stay off the floor—but this chairman is going to table all these amendments.

Since I have the floor, let me talk about paying for these expenses. In January, I offered an amendment to pay for the war. I did not think back in April we were going to be debating and amending supplemental funding for the war. We are not paying for the war. We are going to borrow for the war. The distinguished chairman is saying, I am just not going to borrow anymore, like there is some restriction against borrowing in America.

What we have is not a stimulus, and I am going to bring it in to focus. Everybody runs around here cutting taxes. Why? To get reelected. That is Carl Rove’s tax cut. That is all it is. It is a Carl Rove tax cut to get reelected. He told the President: To get reelected next year, you have to have a tax cut. That is outrageous nonsense. We do not have any taxes to cut. We ran a $428 billion last year. We appropriated some $75 billion for the war. The President’s budget this year is going to table all these amendments. We need this kind of security.

Yes, this is going to be spent not in 8 weeks, but in 5½ months. We have the rest of April, May, June, July, August, and September—5½ months. It is not just that the money is not going to be spent. The ports have been waiting for the money. They have been holding on to it for years. This is not just the amendment of the Senator from South Carolina, this is the amendment that should be supported by all for ports in America, but the ports have not learned what the airlines have learned. I am going to try to get them on the line and see if they can’t hire the airline lobbyists where they get $3.5 billion for not knowing how to run an airline, and yet when I come forward with this amendment, the Senator says: We have some other amendments coming and, therefore, I do not want to approve this amendment. He says he is going to have to table this one. In other words, we are on a course to table all amendments and have sent them to Iraq. The policemen, the firemen, the Reserve officers, the National Guard—we have drained them all for the occupation, by that time, I take it, of Baghdad.

What we will have is a $600 billion to $700 billion deficit in the next year. Tell Carl Rove that. That is all it is. It is a Carl Rove tax cut to get reelected. That is all it is. It is a Carl Rove tax cut to get reelected. He told the President: To get reelected next year, you have to have a tax cut. That is outrageous nonsense. We do not have any taxes to cut. We ran a $428 billion last year. We appropriated some $75 billion for the war. The President’s budget this year is going to table all these amendments. We need this kind of security.

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I resent the idea of my distinguished friend from Alaska acting like “I am not going to spend the money; I am just trying to get money that could not be spent in the next few months and is not needed” when we voted this issue. Republicans and Democrats. We need this money. We need this kind of security. But, oh, no, they will pass $3.5 billion for the airlines, and they will pass nothing for port security. They will pass a tax cut to get reelected next year.

We have a country that will be worse than we inherited. This will be the first time in history that one generation is going to leave the country worse off for the next generation. We always received a better country.

We have to go through these gymnastics up here of playing games for
tax cuts, playing games for the lobbyists and the airlines, and then when they do not have the lobbyists, they act as if this is a casual one and I will just move to table the amendment.

We aren’t going to table right now because I have the floor. We are going to talk some more about paying for the war.

I think it is a disgrace that we would send our GI’s to Iraq and say: We hope you don’t get killed, and the reason we hope you don’t get killed is because we want you to hurry back so we can give you the bill. We aren’t going to pay for it. We have to have a tax cut so we can get reelected.

We look out for No. 1, not for the fellow on the battlefield. Oh, yes, we have the Flag in the lapel. We recite the Pledge of Allegiance to the American Flag. We have a moment of silence before we meet in subcommittee and other hearings. We stand up. We are very reverent. There are millions and millions of dollars, but not one cent for defense. This is homeland defense. That is what it is.

I am sure the distinguished chairman of the party of Lincoln remembers well that Lincoln, to pay for the Civil War, put a tax on dividends: to pay for the Civil War, he put a tax on estates.

Now this party of Lincoln wants to take the tax off dividends and off estates and lecture about the port security that somehow the money is not needed and should not spend it; that we have other measures coming along the line and we are going to move to table all the amendments; we have already met in caucus, so we are going to table all the amendments and say: We got this money for the war effort; we did not get it for the terrorism war. That is what the Senator from South Carolina is talking about. We do not have any idea what is happening on the floor of the Senate. It is all politics. It is all applesauce, as Will Rogers said. We are not paying attention to the real needs.

Here we have a real need, and we have to get the security around the ports of America.

As I said, there are some 55 important ports that terrorists could blow up and close down the economy for 1 year to 2 years. We all know that, but we pass it over because we have a system: We are going to leave this weekend, and we want to make sure we get rid of this bill before the weekend; what he wants to do is move to table these kinds of amendments.

Let me speak about this port security. I ask unanimous consent to print the details of my port security amendment to the supplemental appropriations bill in the RECORD.

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

**HOLLINGS’ PORT SECURITY AMENDMENT TO THE APPROPRIATIONS SUPPLEMENTAL RECORD, as follows:**


$110 million to Customs for the installation of screening equipment, and to be used to help develop technologies to help develop and prototype screening and detection equipment at US ports.

$100 million to TSA and Customs; $50 million each to help implement and implement cargo security programs.

$30 million for the Transportation Security Administration (TSA) to develop and implement the Trusted Traveler ID Card, and to conduct criminal background checks of transportation workers who work in secure areas or who work with sensitive cargo or information.

$600 million for grants to states, local municipalities, ports and waterfront facilities for port security contingency response and to help ensure compliance with federally approved security plans.

**COAST GUARD ($50 million)**

$50 million for port security assessments.

$75 million to help implement the Automated Identification System (AIS) and other tracking systems designed to actively track and monitor vessels operating in US waters.

$38 million for Maritime Safety and Security Team grants to the number of teams and provide capital equipment.

$7 million for radiation equipment development and implementation at cargo ports.

**FEDERAL LAW ENFORCEMENT TRAINING CENTER ($10 million)**

$10 million to develop a seaport security training curriculum, in conjunction with the Maritime Administration, for the certification of federal and state law enforcement officers and private security personnel working at seaports.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to print on page 20 and 21 of the supplemental appropriations report, under chapter 5, Department of Homeland Security, the itemizations for the sections listed.

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

**OTHER BILATERAL ECONOMIC ASSISTANCE**

**FUNDS APPROPRIATED TO THE PRESIDENT IRAQ RELIEF AND RECONSTRUCTION FUND (INCLUDING TRANSFERS OF FUNDS)**

2003 appropriation to date ........................................... $2,443,300,000
2003 supplemental estimate .......................................... $2,488,300,000
Committee recommendation ......................................... 2,488,300,000

The Committee provides $2,488,300,000 for the Iraq Relief and Reconstruction Fund for humanitarian assistance in and around Iraq and for rehabilitation and reconstruction in Iraq. The Committee expects that the transfer authority provided by this provision will not be used to transfer funds to the Department of Defense. Prior to the initial transfer of funds, the Secretary of State shall consult with the Committee on Appropriations on plans for the use of the funds appropriated under this heading.

The Committee provides that funds appropriated under this heading shall be used to fully reimburse accounts administered by the Department of State, the Department of the Treasury, the State Agency for International Development for expenses relating to the pre-positioning of relief and reconstruction assistance for Iraq prior to the enactment of this Act. The Committee notes that the following accounts should be reimbursed from funds appropriated under this heading: the Iraq Supplemental Appropriations; $3,900,000 for “Transition Initiatives”; and $100,000,000 for “Economic Support Fund.” The Committee requests to be notified when reimbursements have been requested and fulfilled.

The Committee notes that funds appropriated under this heading are subject to the regular notification procedures of the Committee on Appropriations, except that notifications shall be transmitted at least 5 days in advance of the obligation of funds.

**GENERAL PROVISIONS, THIS CHAPTER**

The Committee provides transfer authority between certain accounts, and requests to be consulted before this authority is exercised.

Sic. 592. The Committee provides the request for authority to provide assistance or other financing in this chapter for relief and reconstruction efforts in Iraq notwithstanding any other provision of law. Funds made available pursuant to this authority shall be subject to regular notification procedures of the Committee on Appropriations, except that notifications shall be transmitted at least 5 days in advance of the obliga-tion of funds.

Sic. 593. The Committee provides the request for the repeal of the Iraq Supplemental Appropriations Act of 1999, and other limitations on assistance for Iraq.

Sic. 594. The Committee provides the request for the authority to export to Iraq any item subject to the Export Administration Regulations or controlled under the International Traffic in Arms Regulations on the United States Munitions List, if the President determines that to do so in the national interests of the United States. The Committee requests the President, after consulting with all relevant departments and agencies, to report to the appropriate congressional committees on a semiannual basis on all Commerce and Control Munitions List items transferred to Iraq, and the person or entity to which each item has been transferred. The Committee requests that the final report on all items be submitted no later than 90 days after enactment of this Act.

Sic. 595. The Committee provides $10,000,000 in a “Economic Support Fund” assistance for the establishment of a tribunal for the prosecution of Saddam Hussein and other Iraqi war criminals.

Sic. 596. The Committee includes the Sense of Congress providing that, to the maximum extent practicable, contracts and grants for relief and reconstruction in Iraq should be awarded to United States companies and organizations, those located in the Near East region, and those from countries who have provided assistance to Operation Iraqi Freedom. The Committee notes that reconstruction efforts should include employment and other opportunities for the Iraqi people.

Sic. 598. The Committee provides the Secretary of State with a national security interest waiver for certain restrictions on assistance for Ukraine contained in Public Law 108-135.

Mr. HOLLINGS. That is a total sum of $1.135 billion, not a thing of what the Senator’s amendment encompasses. We have $12 billion to $20 billion that is stolen from the ports, and we are trying to be best at scrutiny there. We have had good success with respect to the background checks. That was a big holdup on the Senate side.
We worked with the unions and they agreed that we should have background security checks for the workers. So in checking that out, they now are anxious because they said now you have it in law that we have to have the cards, but you’ll be lining through the cards in the system. So how can we comply? That is in this Senator’s provision for port security. The distinguished Senator from Maine, Ms. OLYMPIA SNOWE, was asking questions at the hearings and Admiral Collins said he was hopeful by the end of fiscal year 2003 we will have 17 of the 55 port plans done.

Here is Admiral Collins’s answer:

We have an $11 million recurring base to do port-security assessments. Part of the feature of the 2004 budget was $11 million was moved to the Department, Under Secretary for Information Analysis and Infrastructure Protection. The same approach taken with TSA, Transportation Security Administration also has money to do assessments of transportation. They have been centralized. The funds—as part of the President’s budget, those funds have been centralized in the Under Secretary for Intelligence Analysis and Infrastructure Protection. Although we remain the executive agent, if you will, of that Under Secretary to perform in the maritime.

So we got the money. It is an $11 million issue. As that new Under Secretary, who is still filling empty chairs as we speak matures, we will develop the working relationship, a very collaborative and a commitment to date on the issue, no contention. And we will continue to pursue our assessments.

But then we are only going to have by the end of the year some 17 of the 55 done.

This is an emergency. I implore my colleagues from Alaska, the chairman of our Appropriations Committee, get some money into this endeavor. I do not know about these other amendments that are coming along. He knows this better than any Senator in the Senate because I know Alaska, and I know the Senator’s record. We do not have that money. That is why I went down to the White House. I knew that was not going to ask for money that the Senator knew more about than I did, so I had to rehearse myself and break down every particular item in the supplemental appropriation. I did not have the money, so that is why I pointed out where in the billion it comes from.

Mr. GRAHAM of Florida. Mr. President, I rise today in support of the Hollings amendment to this supplemental appropriations bill, which would provide $1 billion to this Nation’s seaport security programs.

Seaports are one our Nation’s greatest assets, serving as the lifeline for economy and trade, for the fishing and cruise industries, and to military operations. But they remain one of our greatest vulnerabilities.

Our ports are susceptible to misuse by a terrorist organization. When a cargo container arrives on our shores, it is loaded onto a truck or a train, and is transported to any of our cities, leaving all Americans vulnerable to a security lapse.

Right now, the Federal Government is not completely fulfilling its responsibility to protect our seaports. I am very pleased that the Maritime Transportation Security Act was signed into law last year. But for this legislation to be effective, it must have a predictable and a clear source for the agencies tasked with maintaining the security of our maritime borders.

We will never have enough law enforcement personnel or the perfect intelligence to detect and deter all potential threats. People have a promising approach to closing this gap—it may aid in container tracking, security, anti-tampering, and examination. These systems may also eventually have the ability to detect the presence of chemical, biological, and nuclear weapons at our Nation’s ports.

I agree with Senator HOLLINGS that an attack on our seaports would be devastating. Compounded by the reality of our economic dependence on ports, the United States relies on maritime security to protect our national interests. Investing in our ports is as vital as investing in our borders.

I agree with Senator HOLLINGS amendment would provide funding for industry and port security grants, Border and local entities, the Maritime Administration, the Government Accountability Office, the Customs Service, and the Transportation Security Administration.

Since the tragedy of September 11, 2001, the threat and impact of terrorism has become real to many Americans. And the threat of terrorism must be waged with equal intensity and commitment, both overseas and here in our own Nation including at our seaports.

My colleagues may argue that this amendment is not war related, but I disagree. Our war effort depends on access to our 13 strategic military seaports, which support our operations in Iraq. These ports, like the rest of our 361 ports, are insufficiently vulnerable. If a terrorist threat were to affect one of our ports, our military operations could be negatively impacted.

The security of our borders is a national responsibility. Investing in maritime security is as vital as investing in our intelligence capabilities or investing in our Nation’s airports.

I urge my colleagues to support the Hollings amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I regret the problem we have with regard to the funding for these items. I call attention to the fact that we are trying to get a supplemental appropriations bill to deal with the costs of the war primarily, not just one war but the war against terrorism, the war in Iraq, and the war in Afghanistan.

I know of no other way to do it than to say we have reached a limit as far as what we are going to do. This thought just came to my mind. We have gone beyond the President’s request to deal with the most pressing need, and that is the aviation industry relief. We have some benefits for that industry, almost $4 billion, that deal with trying to give that industry the ability to rejuvenate the economy. If they come back, the whole economy comes back, in my judgment.

In any event, the more we put in the supplemental, the more we cease in the area where we will not get that either. The aviation industry relief, I am told, needs to be finished almost immediately. Some of these companies are going into chapter 11 right now. Others are indicating that they may cease operations.

I really believe the major factors in this bill are defense, homeland defense and aviation industry relief. I urge the Senate to think about it and confine it to that.

I move to table the amendment of the Senator from South Carolina, and I ask that the vote on that amendment take place following the amendment of the Senator from Louisiana, Ms. LANDRIEU. I further ask that prior to Ms. LANDRIEU, the Senator from Colorado and the Senator from Arkansas share 15 minutes on the amendment they have, which it is my understanding we are in the position now where we will adopt that amendment. I do not know whether the status of the amendment of the Senator from South Carolina so I will not move to adopt it, obviously, since it is not before us yet. But that will be my intention when we finish.

My friend from Nevada and I are trying to provide the measures to take place, the votes would take place. I want 5 minutes to respond to the Senator from Louisiana after she offers her amendment. So it would be 5:15 that we would be voting.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If the distinguished Senator from South Carolina, and following that, Senator BYRD is ready to offer his amendment. The Senator from South Carolina, and following that, the Landrieu amendment, whatever the Senator decides to do on that.

On our side, Senator CORZINE is ready to offer his amendment. Following that, Senator BYRD is ready to offer his amendment. That is not a UC. That is just for the information of Senators. The rest of the unanimous consent agreement, I ask be adopted.

Mr. STEVENS. Reserving the right to object, I think we should go back and forth.

Mr. REID. That is not part of the deal.

Mr. STEVENS. I certainly have no objection to the Senator’s unanimous consent request.

Mr. REID. Mr. President, the staff had some question about the time on
Landrieu. The time was 15 minutes for the Senator from Louisiana and 5 minutes for the Senator from Alaska.

Mr. STEVENS. It is my understanding that there will be no second-degree amendments to the Landrieu amendment or the amendment of the Senator from Colorado.

The PRESIDING OFFICER. That would be the Chair’s understanding.

Mr. STEVENS. That does not apply to subsequent amendments.

Mr. FEIN. That is right.

The PRESIDING OFFICER. That is the Chair’s understanding.

Is there objection?

Mr. ALLARD. No. I want to ask for a clarification. Will I introduce my amendment following the Landrieu amendment?

Mr. STEVENS. The Senator from Colorado is first. He and the Senator from Arkansas share 15 minutes.

The PRESIDING OFFICER. It is the Chair’s understanding that the Senator from Colorado will be first. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. ALLARD. I ask that the pending amendments be set aside. The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 451

Mr. ALLARD. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senate from Colorado [Mr. ALLARD], for himself, Mr. WARNER, Mr. MCCAIN, Mr. PYLE, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mrs. DOLLE, Mr. CHAMBLISS, Mr. NELSON of Florida, Mr. CORZINE, Mr. CORBYS, and Mrs. CLINTON, proposes an amendment numbered 451.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To establish a panel to determine responsibility for an atmosphere at the United States Air Force Academy that was conducive to the recent acts of sexual misconduct at the United States Air Force Academy.)

On page 89, between lines 4 and 5, insert the following:

TITLE V—Panel to Review Sexual Misconduct Allegations at United States Air Force Academy

SEC. 501. ESTABLISHMENT OF PANEL

(a) Establishment.—There is established a panel to review allegations of sexual misconduct at the United States Air Force Academy.

(b) Composition.—The panel shall be composed of seven members, appointed by the Secretary of Defense from among private United States citizens who have knowledge or expertise in matters relating to sexual assault, rape, and the United States military academies.

(c) Chairman.—The Secretary of Defense shall, in consultation with the Chairmen of the Committees on Armed Services of the Senate and House of Representatives, select the Chairman of the panel from among its members.

(d) Period of Appointment; Vacancies.—Members shall serve for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(e) Meetings.—The panel shall meet at the call of the Chairman.

(f) Initial Organization Requirements.—(1) All original appointments to the panel shall be made not later than May 1, 2003.

(2) The Chairman shall convene the first meeting of the panel not later than May 2, 2003.

SEC. 502. DUTIES OF PANEL

(a) In General.—The panel established under section 501(a) shall carry out a study in order to determine responsibility and accountability for the establishment or maintenance of an atmosphere at the United States Air Force Academy that was conducive to sexual misconduct (including sexual assaults and rape) at the United States Air Force Academy.

(b) Review.—(1) In carrying out the study required by subsection (a), the panel shall—

(A) the command climate for women at the United States Air Force Academy; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

(c) Report.—(1) Not later than 90 days after its first meeting under section 501(c)(2), the panel shall submit to the President, the Secretary of the Air Force, and Congress a report on the study required by subsection (a).

(2) The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

SEC. 503. PERSONNEL MATTERS

(a) Pay of Members.—(1) Members of the panel established under section 501(a) shall serve without pay by reason of their work on the panel.

(2) Section 3142 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this title.

(b) Travel Expenses.—The members of the panel shall be reimbursed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subsection 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

Mr. ALLARD. Mr. President, I thank the chairman for giving me an opportunity to offer this amendment. Twice this past week, the Secretary of the Air Force, James Roche, and the Air Force Chief of Staff, GEN John Jumper, testified before congressional committees on the progress of the Air Force’s investigation into the allegation of sexual misconduct at the U.S. Air Force Academy.

Like many of my colleagues, I was stunned to hear these officials exonerate the leadership of the Academy. The Air Force investigation has not been completed. Secretary Roche and General Jumper have already determined that these officials were not responsible. To make this determination before the investigation is completed is irresponsible and inappropriate in my view.

Mr. President, 42 former and current cadets who allegedly were sexually assaulted or raped have contacted my office. Some of these cases are between 5 and 10 years old. Most, however, took place within the last 5 years; 20 have occurred within the last 2 years. Let me repeat that; 20 cadets say they were sexually assaulted or raped in the last 2 years at the U.S. Air Force Academy.

The Air Force said the current leadership did not know about this problem. I disagree. I believe they chose to ignore it. Since 2001, the Academy Office for Character Development has been conducting student surveys on sexual assaults. The surveys, which were reviewed by the Academy’s leadership, clearly indicated a pervasive problem with sexual assaults at the Academy.

Here are some of the results from these surveys. In 1998, 22 cadets said they had been sexually assaulted at the Academy. In 2000, 17 cadets said they had been sexually assaulted at the Academy. In 2001, 167 cadets indicated they had been sexually assaulted—167. In 2002, 80 cadets said they had been sexually assaulted at the academy. These surveys were, at the very least, a warning that the Academy leadership chose to ignore.

I served on the Academy’s Board of Visitors for 4 years, and never during that time did the Air Force leadership or Academy officials bring up this issue. The first time problems of sexual misconduct at the Academy were discussed was last week. I issued a press release over the last year at Board of Visitors meetings a concern about sexual misconduct. Last June, for example, I urged Academy officials to investigate a highly sexualized drama competition put on by cadets. I was assured that the Academy would review sexual misconduct at the Academy.

Last September, I again brought up a number of concerns raised by parents of cadets about sexual assaults at the Academy. Again I was assured the Academy would look into it.

I think it is time to take action. I appreciate the fact that the Air Force moved so quickly on its investigation. I am also pleased the Air Force has issued a number of directives clearly indicating involvement and the lack of action in the past, an external review is necessary.

Therefore, Senator WARNER, Senator PRYOR, Senator MCCAIN, Senator
Graham, and I, along with several others, will offer an amendment to the legislation currently before the Senate. This amendment will create an independent panel that will review the Air Force’s directives and determine those who are responsible for these actions that were conducive to recent acts of sexual misconduct at the Air Force Academy. The panel will begin its work by May 1, 2003, and submit a report to the President, Secretary of Defense, and Congress within 90 days.

I still believe in the Air Force Academy. It is a fine institution. It has trained and equipped thousands of Air Force officers. Yet this current crisis has tarnished the reputation of the school and cast doubt on its graduates. It is time for us to take action. I urge my colleagues to support our amendment.

Graham and I, along with the Senator from Arkansas, have been responsible for this amendment. It is a fine institution. It has trained and equipped thousands of Air Force officers. Yet this current crisis has tarnished the reputation of the school and cast doubt on its graduates. It is time for us to take action. I urge my colleagues to support our amendment.

Yesterday I received notice that a young woman in Arkansas has now been accepted to the Air Force Academy. I called her on the phone. She is excited, eager, ready to go. We talked about the situation at the U.S. Air Force Academy. I have no doubt it will be a great experience for her, it will be a great education, and she will excel and achieve great things in her military career.

As I continue to recommend that young men and women go to our military academies, I want to proceed with confidence and know they are going into a healthy environment. These institutions are institutions of honor. There have been dozens of allegations of sexual misconduct at the U.S. Air Force Academy. It is time we stop and honor these victims, that we listen to them.

One thing that became very clear the other day in the hearing we had was that there were a lot of facts we did not know. We need to uncover. We need a clear picture of the atmosphere at our military academies. We need to ensure this Nation, the Air Force, the cadets, and the families that when we send young men and women to the Air Force Academy, they are going to a constructive environment, they are going into a culture that will not tolerate sexual impropriety.

This is not about a witch hunt. It is not about pointing fingers. It is about admitting identifying the problem, and making sure it never happens again.

I thank my colleague from Colorado for all of his hard work. The chairman of the committee also had a hand in this and is a cosponsor. We are honored to have him. I thank the Members of this body for their time and patience, especially Senator Stevens of Alaska, who has worked this in on short notice, along with Senator Byrd of West Virginia, who has been very kind with the time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I add an additional cosponsor to the amendment, Senator Dodd.

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

Mr. ALLARD. I join my colleague from Arkansas in thanking Senators and Senator McCaffey for their efforts on this amendment. It has been a delight to work in a bipartisan manner with the Senator from Arkansas. I also thank Senator Warner and his staff. All our staffs have worked hard, as this has been a last-minute amendment.

We are happy to yield back.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. The only addition I would like to make is Senator Corzine would like to be added as a cosponsor.

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

The amendment is as follows:

(Purpose: To appropriate $1,047,000,000 for procurement for the National Guard and Reserves)

In chapter 3 of title I, under the heading "PRO-CUREMENT" insert the following:

"NATIONAL GUARD AND RESERVE EQUIPMENT."

For an additional amount for "National Guard and Reserve Equipment": $1,047,000,000.
worked out an arrangement that is going to actually make that possible. We have, I think, agreed on a doubling of the amount and have fit that within the framework of this bill. I know that is going to be received with gratitude and happiness on the part of the families because it is the right thing to do.

In addition to increasing the combat pay and the separation pay for all our Guard and Reserve units, I also think we need to do everything we can possibly do to send our Guard and Reserve on the battlefield with the equipment they need to win the war and to protect themselves, to stand up the American flag and be victorious in this effort. I am very concerned, as a member of the Armed Services Committee, that our budgets do not reflect the commitment to our Guard and Reserve that their actions and their contributions warrant.

Let me quote the Deputy Assistant Secretary of Defense, Mr. Charles Cragin:

"The nature and purpose of reserve service has changed since the end of the cold war. They are no longer weekend warriors. They represent almost 50 percent of the total force. If we are not members of the Reserve ourselves or do not have family members in the Reserve, I am not sure we recognize the significant change that has occurred in the last 20 years in the makeup of our armed services. Mr. President, 45 percent of the total force is made up by our National Guard and National Reserve; 1.2 million men and women. They are reservists today who are being called up to an unprecedented extent.

He goes on to say:

"We are currently calling reservists to duty involuntarily under three separate presidential orders: For Bosnia, Kosovo, Southwest Asia. Thousands of reservists have served with great distinction around the globe. They are over 5,000 reservists who recently deployed to Europe in support of the air campaign over Kosovo.

Of course, this was several years ago. The bottom line is they are a significant part of the total force; weekend warriors no more.

Let me state for the Record the Center For Strategic and Budgetary Assessment says:

"The reserve component represents 47 percent of our military structure but consumes only 1 percent of the Department of Defense budget.

There is a bias in the Department for the Active units. I am not saying one is more important than the other, but our budget needs to reflect the contributions that the Active, the Guard, and the Reserve are contributing, reflective of their contribution and their position in the total force. Our budget does not, today, do that.

My amendment attempts to add $1 billion. It is not going to bring the percentage up to where I believe it needs to be, but it is a step in that direction and it is something we can do right now. There is no reason to wait. The supplemental bill I hope to vote for—I am proud to vote for, I want to vote for—has $62 billion for Active Forces but only $271 million for the Reserve Force. Let me repeat, $62 billion for the Active Forces but only $271 million for the Reserve Forces.

Let me ask you, on the television that we have seen, just think about the visuals from the war. Have we seen any tanks that don’t have people in them? Have we seen any armored vehicles just sitting there waiting for a driver? Because that is not true. The truth is, the soldier produces the equipment. The planes have to have the radar on them already. They have to show up with their equipment to fight the battle. And we are not funding the Guard and Reserve at the level we should.

I want to tell my people in Louisiana, when that phone rings, their Senator was on this floor fighting for them to have this equipment. And the argument is, "Well, they can’t buy it in 30 days, so we can’t put it in this bill." And then the next time we have a bill, they will say, "We can’t buy it in 30 days, so let’s not put it in that bill." And then the next time we have an appropriations bill, it is going to be the same story.

I am saying today, as we call up 100,000 more troops, half of whom are going to be Guard and Reserve, please, let’s give them the equipment they need to win the war. And that is what my amendment does.

I have talked to the chairman. I have asked the chairman. We could add the money. We can take it out of the $65 billion. We can offset the money that is going to Turkey, $1 billion. I would rather send it to the Reserves. I don’t want to cut it in half, but I am willing to compromise. But to tell our Guard and Reserve, no, I just am not willing to do it.

I want to list some of the items this money will buy. A great many of these items do not take a great amount of time to order. You could pick up the telephone and dial it and have it delivered. Let me just give you a couple of examples in the few minutes that I have.
The collective protection fund would be used to procure collective protection shelters for deployed forces in the event that chemical and biological weapons are fired on them. They would have a shelter to protect themselves.

Skin exposure protection pays. I am sure someone produces that and manufactures it now. It is not something we have to invent. All they have to do is pick up the phone and order it. The skin is exposed, and it helps them against chemical warfare agents.

In addition, the fund will be used to procure additional mobile chemical agent detectors for use by forces performing the mission of determining whether weapons of mass destruction are present. How will they know if they don’t have the equipment to detect it? And there are some things that are classified in this list that I cannot speak to.

I think our Active Forces would agree with this amendment. I think our Armed Forces realize how important the Guard and Reserve are, what capable soldiers they are. And some units are better trained than others. I understand that. And some States have it better organized than others.

I believe they represent a State that has one of the finest National Guards in the Nation. I guess I am so proud of them. I want to do my very best by them, and to say we are doing a disservice by having $52 billion in this bill for Active Forces and we have added up only $271 million for Reserve Forces. Yet almost 50 percent of the men and women fighting the war are in the Guard and Reserve.

It just does not make sense. And perhaps it was an oversight. I do not think anyone means—I ask unanimous consent for 3 more minutes.

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

Ms. LANDRIEU. I do not think anyone means the Guard and Reserve. And I know that every Member of the Senate is most certainly patriotic and wants to do their best. But I have spoken about this in meetings. I had to bring it to the Senate floor to give it attention. And I must ask for a vote because, that way, then people can go on the RECORD, and they can then be on the RECORD explaining to these 5,000 families why we could support these billions of dollars of equipment for the Active Forces and short-change our Reserves.

I know that is not the intention of the Chair. And I would not in any way say he does not have an extremely difficult job of managing this bill. And I have no intention of holding up the bill, but I think it was only fair to offer this amendment, to speak for 20 minutes, to ask for the money that I think our Guard and Reserve need.

So when the phone rings in Louisiana, and the Smith family over the Jemeppe family or the Thibodeaux family is called, they can say our Senator did her very best to try to convince people that maybe there was a slight imbalance in the money that was given for the Active versus the Reserves, and that she is not sending my son, my husband, my wife, my grandmother, or my grandfather out there, at a loss to his or her income, a lack of equipment for him or her family, without the equipment he or she needs to fight a war we asked them to fight, which is what we are doing in Iraq.

So I offer my amendment. I ask for support. I am sorry if the leadership cannot support this amendment, but I am going to ask for a vote. And I will continue, every time there is an appropriations bill on this floor—whether it is a supplemental appropriations or whether it is part of our next year’s budget—I will continue to say, if 47 percent of our force fighting the war today—not next week; today—are Guard and Reserve, don’t they deserve more than 5 percent of the money we are sending to support the war?

I say that answer is yes. And I want the families in Louisiana to know that I get it, I understand it, and I don’t want them to put their lives in any more danger than what is absolutely necessary.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the amendment of the Senator from Louisiana would add over $1 billion, which would be earmarked for National Guard and Reserve equipment.

The amendment proposes to increase the supplemental appropriations fund to add funding for something that the Department of Defense does not tell us is a high priority.

Equipment is not requested to be funded in the supplemental or in the budget that was submitted by the President for the next fiscal year. Most of the items the Senator is describing are for the purposes of training. What we are trying to do today is provide funds for the Department of Defense to wage the war on terror and to pay for what is needed now so that we can win a victory in Iraq and protect the security of our homeland, not for items that will reach their destination or be usable by the Guard and Reserve Forces 2 years from now. And that is what these funds will do. They are for future projects.

Three of the projects are for construction—$20 million worth of construction projects. They are non-warfighting funding program dollars that are requested by the administration of this Congress at this time.

The committee has made available a sum of $11.019 billion in the Defense Emergencies Reserve and that can be used for any of these items that the military thinks are necessary in order to wage the war on terror, so we are not denying the military the opportunity to spend funds for purposes such as the Senator describes. But we are not telling them they have to. We are not earmarking funds and saying you have to spend this for this purpose at this time.

The bill that is before the Senate also contains $1 billion in procurement accounts that can be used for Guard and Reserve Forces. So we are not ignoring the Guard and Reserve in this bill. The Guard and Reserve equipment, and the use of them in the operations that this time, is fully provided for in the bill.

We hope the Senate will reject the amendment. It has not been requested by the Department of Defense. The requests the Department are making for the war that we are met by the funding provided in the bill.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. What is the pending measure? The first vote will occur on the amendment of the Senator from Colorado?

The PRESIDING OFFICER. The amendment of the Senator from South Carolina. The Landrieu amendment is currently pending. Mr. STEVENS. But under the unanimous consent request, we vote first on the Hollings amendment; is that correct?

The PRESIDING OFFICER. The Hollings vote was scheduled after the Landrieu amendment.

Ms. LANDRIEU. Will the Senator yield for a moment?

Mr. STEVENS. One second till I straighten this out. I don’t care which one. This Senator has no priority on it. I agree amenable to either one first. The amendment I am trying to address after that, though, is the amendment of the Senator from Colorado. What has happened to it in my absence?

The PRESIDING OFFICER. That has been set aside.

Mr. STEVENS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Alaska indicated he didn’t care. The Senator from Louisiana thought her vote would be second. She would rather that her vote follow the Hollings amendment motion to table.

Mr. STEVENS. The Senator has that right. I ask unanimous consent that the amendment motion to table the Hollings amendment occur first.

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

Mr. REID. I further ask unanimous consent that there be 2 minutes equally divided between the two votes.

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

Mr. REID. One minute on each side.

Mr. STEVENS. I have no objection. I ask for the yeas and nays on the Hollings amendment.

The PRESIDING OFFICER. On the motion to table.

Mr. STEVENS. On a motion to table. I have made that motion.
The PRESIDING OFFICER. Is there a sufficient second?
There appears to be a sufficient sec-
ond.
The question is on the motion to table amendment No. 445.
The clerk will call the roll.
The constant legislative clerk called the roll.

Mr. REID. I announce that the Sen-
ator from Massachusetts (Mr. KERRY), is necessarily absent.

If further announce that, if present and voting, the Senator from Mass-
achusetts (Mr. KERRY), would vote "no."

The PRESIDING OFFICER (Ms. COL-
LINS). Are there any other Senators in the Chamber desiring to vote?
The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—52
Alexander  DoLE Miller
Allard  Domenici  Murkowski
Allen  Enzi  Nichols
Bennett  East  Roberts
Bond  Fitzgerald  Santorum
Brownback  Frist  Sessions
Burns  Grassley  Smith
Campbell  Gregg  Snow
Chafee  Hagel  Specter
Chambliss  Hatch  Stevens
Coehorn  Hispanic  Stevens
Coleman  Inhofe  Sununu
Collins  Kyl  Talent
Corzine  Leahy  Thomas
Craig  Voinovich
Crapo  McCaIN  Warner
DeWine  McConnell

NAYS—47
Akaka  Derog  Levin
Baucus  Durbin  Lieberman
Bayh  Edwards  Lincoln
Biden  Feingold  Mikulski
Bingaman  Feinstein  Murray
Boxer  Graham (FL)  Nelson (FL)
Breaux  Harkin  Nelson (NE)
Byrd  Hollings  Pryor
Cantwell  Inouye  Reed
Carper  Jeffords  Reid
Clinton  Johnson  Rockefeller
Conrad  Kennedy  Sokol
Corzine  Kohl  Sarbanes
Daschle  Landrieu  Schumer
Dayton  Lautenberg  Stabenow
Dodd  Leahy  Wyden

NOT VOTING—1
Kerry

The motion was agreed to.

Mr. COCHRAN. I move to reconsider
the vote.

Mr. STEVENS. I move to lay that motion on the table.
The motion to lay on the table was agreed to.

AMENDMENT NO. 492
Mr. STEVENS. Madam President, parlia-
tory inquiry: What is the pending business now?
The PRESIDING OFFICER. The pending
business is the motion.

Mr. STEVENS. Madam President, could we have order in the Chamber.
The PRESIDING OFFICER. The Sen-
ate will be in order.
The pending business is the motion to table the amendment offered by the Senator
from Louisiana, Ms. LANDRIEU.

The Senator from Alaska is recognized for 1 minute.

Mr. STEVENS. I yield to the author
of the amendment first. The Senator
from Louisiana is entitled to 1 minute. I hope my colleagues will let her speak.
The PRESIDING OFFICER. The Sen-
ator from Louisiana is recognized.

Ms. LANDRIEU. Madam President, will the Senate be in order?
The PRESIDING OFFICER. The Sen-
ate will be in order. We will not pro-
cceed until the Senate is in order. Sen-
ators will cease their conversations
and move from the aisles to their seats.

Mr. STEVENS. Madam President, where is the Sergeant at Arms?
The PRESIDING OFFICER. The Sen-
ate will be in order.
The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

This is a very important amendment, and I ask my colleagues to consider
carefully their vote. Last week, we voted 100 to 0 in a bipartisan fashion to
support an increase in combat pay for Active and Reserve and to increase
the funding for necessary equipment for our Guard and Reserve. This amend-
ment adds $1 billion to this bill for a very good reason: Because the Reserve
component represents 47 percent of our military structure and only 8.3 percent
of the budget. In the underlying bill, we have $62 billion for Active and $271
million for the Reserve.

In every State, thousands of people are being called up. When they get the
call, they put on their uniform and go. This amendment gives them the equip-
ment to fight and win the war. I ask for everyone’s support.

The PRESIDING OFFICER. The Sen-
ator from Alaska.

Mr. STEVENS. Madam President, of the $62.6 billion requested by the Presi-
dent for defense, no less than $19.8 billion in this bill is for the direct support
of the Guard and Reserve for this fiscal year. The monies that the Senator
from Louisiana wishes would be spent in 2004.

I yield the remainder of my time to the Senator from Arizona.

The PRESIDING OFFICER. The Sen-
ator from Arizona.

Mr. MCCAIN. Madam President, we are addressing the immediate needs.
This is an emergency supplemental. The needs as identified by the Senator
from Louisiana are all nice to have, but they should go through the orderly
process, through the Senate Armed Services Committee, a request by the
President of the United States, and then a full and open debate. This is nei-
ther the appropriate nor, I believe, fis-
tically responsible thing to do at this
time. I urge a “no” vote.

Ms. LANDRIEU. Madam President, I ask unanimous consent for an addi-
tional 30 seconds.

The PRESIDING OFFICER. Is there
objection?

Mr. STEVENS. On each side is all
right with me.

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

Ms. LANDRIEU. Is the Senator from Arizona suggesting the $6 billion that
is on the list for the Reserves has not
gone through the regular order?

Mr. MCCAIN. I am suggesting to the Senator from Louisiana, this is a very
large appropriation which has not been examined by members of the com-
mittee themselves in this context and is added after carefully thought out,
and I believe it is not appropriate to have gone through the Appropriations
Committee in the form of an emer-
gency supplemental. I am sure these
are all worthy causes. There are bil-
ions and billions of dollars of worthy
causes.

Ms. LANDRIEU. With all due respect
to the Senator from Arizona, I am a member of the Appropriations Com-
mittee, and this $6 billion has gone
through, and we are asking $1 billion of the $6 billion.

The PRESIDING OFFICER. The time
of the Senator from Louisiana has ex-
pired.
The Senator from Alaska.

Mr. STEVENS. Madam President, the money that is in this bill will help the
Guard that has been called up. That is
the case. We want to help the people
who are fighting the wars now. I ask
for the yeas and nays.

The PRESIDING OFFICER. The ques-
tion is on agreeing to the motion.
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 Sen-
ator from Massachusetts (Mr. KERRY), is necessarily absent.

I further announce that the Senator
from Massachusetts (Mr. KERRY), would vote “no.”

The PRESIDING OFFICER. Are there
any other Senators in the Chamber
desiring to vote?
The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—52
Alexander  Domenici  Murkowski
Allard  Enzi  Nichols
Allen  East  Roberts
Bennett  East  Roberts
Bond  Fitzgerald  Santorum
Brownback  Frist  Sessions
Burns  Grassley  Smith
Campbell  Gregg  Snow
Chafee  Hagel  Specter
Chambliss  Hatch  Stevens
Coehorn  Hispanic  Stevens
Coleman  Inhofe  Sununu
Collins  Kyl  Talent
Corzine  Leahy  Thomas
Craig  Voinovich
Crapo  McCaIN  Warner
DeWine  McConnell

NAYS—47
Akaka  Derog  Levin
Baucus  Durbin  Lieberman
Bayh  Edwards  Lincoln
Biden  Feingold  Mikulski
Bingaman  Feinstein  Murray
Boxer  Graham (FL)  Nelson (FL)
Breaux  Harkin  Nelson (NE)
Byrd  Hollings  Pryor
Cantwell  Inouye  Reed
Carper  Jeffords  Reid
Clinton  Johnson  Rockefeller
Conrad  Kennedy  Sokol
Corzine  Kohl  Sarbanes
Daschle  Landrieu  Schumer
Dayton  Lautenberg  Stabenow
Dodd  Leahy  Wyden

NAYS—1
Kerry

NOT VOTING—1
Kerry
The motion was agreed to. 

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

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

The motion to lay on the table was agreed to.

Mr. REID. It is my understanding Senator McCain is on the floor to offer an amendment. He has graciously consented, since we are going back and forth on amendments, to offer an amendment.

The PRESIDING OFFICER. The Senator will suspend. The Senate will be in order.

The Senator from Nevada.

Mr. REID. The senior Senator from Arizona has graciously consented to allow Senator Edwards to speak for up to 5 minutes on an amendment that will be offered at a subsequent time by Senator Corzine and himself. Following that 5-minute statement by the Senator from North Carolina, then Senator McCain will be authorized to offer an amendment.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Madam President, I rise to offer an amendment Senator Corzine and I plan to offer later during debate. At the outset, I thank Senator Corzine for his leadership and say he is far and away the Senator's greatest champion on this particular issue.

The issue is simple. Will we protect our chemical plants from terrorist attacks? The answer to that question has to be yes. All Americans are praying for our soldiers overseas today. Their courage, patriotism, and dedication is an inspiration to every one of us. Today it is time for folks here in this Chamber to summon a little bit of courage to make sure we do our part to protect America.

Polls have been talking about chemical security for months. Everyone knows the vulnerability of these plants is a major problem, but nobody is acting. The time for talk is past. It is time for us to put the security of the American people ahead of special-interest lobbyists and pass this bill now.

Our chemical plants remain dangerously at risk for terrorist attack. According to the EPA, there are 123 chemical plants that would endanger a million people each if they were attacked, and those are just the chemical plants that are located near big cities. The U.S. Army Surgeon General found the No. 2 threat to the American public, second only to a major biological attack, is a terrorist attack on a chemical plant. And the terrorists know it.

Government officials at the National Infrastructure Protection Center have warned that al-Qaeda operatives may use our chemical plants to launch attacks on our chemical industry. And the terrorists know it. According to the EPA, there are 123 chemical plants that are located near big cities. The U.S. Army Surgeon General found the No. 2 threat to the American public, second only to a major biological attack, is a terrorist attack on a chemical plant. And the terrorists know it.

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Now they use a less dangerous substance that gives them the same results. We need to make sure that every plant takes the same approach.

A GAO report, issued last month, found that the EPA and other Federal agencies have gone far enough to gather information about plants' vulnerabilities and to reduce their level of risk. The report recommended legislation that would:

require these chemical facilities to expeditiously assess their vulnerability to terrorist attack and, where necessary, require these facilities to take corrective action.

This should not be a partisan issue.

Let me quote a recent statement by former Senator Warren Rudman, a Republican, and one of the country's acknowledged experts on homeland security. Here's what he said about chemical security:

The federal role needs to be able to set standards and make sure those standards are observed just as we do with clear air and clean water and workplace standards. I think we have to have security standards, and people are going to have to meet those standards.

When hundreds of thousands of Americans’ lives could be at risk, it is not enough to hope that chemical plants will change their ways. It is not enough to ask. We have to make certain they are doing what needs to be done to make the American people safe.

I thank Senator CORZINE for his leadership, and I urge my colleagues to support this amendment.

I yield the floor.

Mr. MCCAIN. Mr. President, before I ask unanimous consent that the amendment be considered made part of this amendment.

Mr. MCCAIN. Mr. President, I have for the title XI Maritime Loan Program amendment number 456. Page 42, strike lines 16 through 22. The PRESIDING OFFICER. The Clerk will report.

The legislative clerk read as follows:

The PRESIDING OFFICER. The Senator from Arizona. Mr. MCCAIN. Mr. President, I have an amendment by the desk and I ask for its immediate consideration.

We have $1 million for the Jobs for America’s Graduates school-to-work program for at-risk young people. I am sure that is an important program. Someone will have to tell me how that is related to the title of this legislation.

There is $56.8 million from O&M Air Force to build and install fiberoptic and power improvements and upgrades at the 11th Air Force Range in Elmenhof Air Force Base in Alaska.

There is $3 million from O&M Army to build a rifle range for the South Carolina National Guard.

There is $12 million for research, development, test, and evaluation Defense-wide for airfield improvements in Alaska that may be associated—may I emphasize: may be associated—with the ground-based midcourse missile defense program.

There is a preliminary examination of the—this is the reason I submit this amendment. From Mississippi we may need a few more minutes—we have made a preliminary examination of the bill, and the first time through it, tragically— I say tragically because the title of this bill is “making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003.”

The first thing we find is $98 million under the Agriculture Research Service, buildings and facilities, to complete a research center in Ames, IA. What is that all about? How in the world do you call $98 million for an agricultural research service center in Ames, IA—remember, it is designated for Ames, IA, not Des Moines, IA; Ames, IA—that fits into a bill that is called “making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003.”

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There is a preliminary examination of the—this is the reason I submit this amendment. From Mississippi we may need a few more minutes—we have made a preliminary examination of the bill, and the first time through it, tragically—I say tragically because the title of this bill is “making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003.”

Well, now let’s get to the $50 million for the title XI Maritime Loan Program, which is the subject of the amendment.

Mr. President, chapter 10 of the bill would provide $50 million in funding to the Maritime Administration’s title XI loan guarantee program for shipbuilders and shipyards. It is not justified as part of an emergency supplemental to fund the ongoing war. Not only is the program riddled with problems, but the administration has proposed no funding for it in either its fiscal year 2004 budget or for the prior year, and for good reason. The title XI program does not serve any defense or homeland security purpose, and it should not receive funding under the guise of a wartime need.

According the Maritime Administration, there are 51 vessels currently being utilized in direct support of Operation Iraqi Freedom. Only one of those 51 vessels was constructed with the use of a title XI loan guarantee. Any claim by the proponents of this mismanaged pork barrel program that it serves an essential military purpose is ridiculous.

The title XI program is, without question, one of the most wasteful and mismanaged guarantee programs in the Federal Government. Since 1998, loan defaults—loan defaults—have totaled $490 million. On Monday of this week, the Department of Transportation’s Office of Inspector General released a report that details the multiple problems with the program’s administration.

The IG’s report details the increasing number of loan defaults with the increasing number of bankruptcies of companies that have been granted loan guarantees. The report notes that Enron—Enron—has three loan guarantees that will soon go under and cost the taxpayers $122 million—Enron.

The DOT Inspector General found that “MARAD needs to improve the administration and oversight in all phases of the Title XI loan process . . . .”

The financial interests of the United States would be better protected through use
of compensatory loan provisions to reduce risk, improved loan application review procedures, more rigorous financial oversight of borrowers during the term of loan guarantees, better monitoring and protection of vessels and shipyards while under guarantee, and more effective stewardship of assets acquired through foreclosures.

The Senate Commerce Committee will hold a hearing next month to consider the IG’s findings, along with a report being prepared by the General Accounting Office. I am informed that the GAO’s preliminary findings fully support the Department of Transportation IG’s reports. It is a very disturbing detail on missteps by MARAD that, again, have led to this program having suffered losses of nearly $500 million.

I close by reminding my colleagues of just how awry this program can go when Congress jumps in without full and complete consideration of what is being done. In exchange for a Congressionally ordered monopoly for service among the Hawaiian Islands, American Classic Voyages entered into a contract to build two cruise ships in a U.S. shipyard. It is that requirement that has led to the most outrageous example of how provisions inserted to benefit special interest can and often do lead to waste and burden American taxpayers.

To help push the program, MARAD, in the face of strong political support for the project, approved a $1.1 billion title XI loan guarantee for the construction of these two vessels. Loan guarantees provided for this company represented over one quarter of the title XI portfolio.

On October 19, 2001, American Classic Voyages filed a bankruptcy petition under Chapter 11 of the U.S. Bankruptcy Code. The petition listed total assets of $37.4 million and total liabilities of $452.8 million. The cruise line said in its petition that it had more than 1,000 creditors, including the American taxpayers being represented by the Department of Transportation. MARAD never once sounded the alarm that this project was in trouble. It did nothing to further protect the taxpayers’ interest. To the contrary, as noted by the DOT IG in its report, just weeks before American Classic Voyages filed for bankruptcy, MARAD granted ACV additional exemptions and modifications to the requirements of the program and their contract.

The failed project is the most costly loan guarantee ever granted under the Maritime Loan Guarantee Program, resulting in the U.S. Maritime Administration paying out over $187.3 million of the American taxpayers’ money to cover the loan default for this project. Only $2 million was recovered from the sale of some of the construction materials and parts.

Overall, American Classic held a total of six loan guarantees that cost the American taxpayer $329 million.

I am sorry to learn from this lesson. Fifty million dollars in MARAD guarantees on a bill like this is, first, wrong. And to continue to fund this program until it is fundamentally reformed, according to the Department of Transportation’s inspector general’s report and an upcoming GAO report, is a criminal waste of American tax dollars. It has no place on this bill.

Mr. President, in my home state of Arizona and I were talking, and I believe the best thing to do, given these projects I just listed, is probably to have one amendment that we will propose tomorrow, Senator KYL, and myself, to strike all of these provisions so we give everybody a chance to vote yes or no on all these provisions of the bill.

Then we can answer to the American taxpayer as to whether $98 million for Agricultural Research Service building facilities; whether money for the Mental Health Association of Tarrant County, TX; whether the Gelsinger Health System in Harrisburg, PA, to establish centers of excellence for the treatment of autism are what is needed to win the war on terrorism and the war in Iraq.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, I find, in reviewing the report of the subcommittee on provision of appropriations for the Department of Transportation, that $50 million is needed by the Maritime Guaranteed Loan Program. This is a program that provides subsidies for guaranteed loans for purposes of building U.S. shipyards and includes the guarantee for facilities or equipment pertaining to marine operations related to any of those vessels.

The committee report contends that the program is critical for those who transport military equipment and supplies to deployed military forces during time of war. There is currently only $1 million available in this account for pending and new loan guarantees. There are more maritime projects also which can use these funds.

There is a critical need for auxiliary maritime sealift capacity during time of war. This program has provided loan guarantees for companies that have ordered cargo ships which are available to serve as a military auxiliary fleet to the Department of Defense during overseas operations. Without the funding in the committee recommendation, ship owners will not have access to this financing system which has proven to help sustain our national maritime energy self-sufficiency, increase domestic energy transportation, and military sealift needs.

I urge the Senate to reject the McCain amendment.

I yield such time as he may consume to the distinguished Senator from Mississippi, Mr. LOTT.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, let me say again that I appreciate what Senator MCCAIN does with this amendment and the effort he makes on a lot of these bills, to come to the floor with projects that are pretty hard to explain and justify. I know he is acting in good faith. I think his amendment, sort of a wrap-around amendment, is going to be a very interesting one to hear discussed tomorrow.

Let me talk about title XI because I am sure he will not be surprised to hear me speak on it. I have supported the title XI program over the years. It is an important program in helping to meet our national objectives, our energy self-sufficiency, our aerospace commerce, strengthen shipbuilding, our industrial base, and a large commercial fleet of militarily useful ships to meet DOD sealift requirements in our war on terrorism, the war we are involved in right now.

The point that Senator MCCAIN made, that of the 51 ships that are carrying cargo now and perhaps, I guess, some equipment, both liquid and dry cargo, 51 of them that are involved in the try to make a U.S. war in Iraq, only 1 of them had the title XI funds. In fact, probably if you check, you will find that most of those ships are foreign ships, ships built in foreign shipyards. I suspect probably there are some Dutch and German ships who knows, maybe even some French ships on which we are dependent. Some of them have American flags and I guess are crewed by American crews. That is all important.

But it is a tragedy in America if we don’t have a maritime industry. When I go to the port in my hometown and look at the grain elevators and look at the ships hauling poultry products to Russia, there is no American flag on those ships. It is Liberian, Panamanian, Ukrainian, Russian. It is everywhere in the world but the United States.

Is this program perfect? No. Should we try to make sure that it is run better and we get more money for our investment? Yes. But I still have a real trouble with a country such as the United States not having the capability to build our own ships and be competitive with American crews. More and more and more we are dependent on foreign ships.

There are good explanations for that. I guess the market is supposed to take care of those problems, but it is a danger. How many countries in the history of the world have survived very long without their own merchant fleet? Our shipyards now are building Navy combatants basically. That is it. No cruise ships now are moving cargo, are they? We are getting out of the business. Maybe that is OK. But I think there is a danger there.

We are dependent now on these maritime vessels to move cargo and equipment. Right now they are involved in war they are involved in war. We are getting out of the business. If we don’t have some funds, they might have like $1 million in funds. There are no funds for the backlog in this area.
By the way, title XI is not so important to the big shipyards. The big shipyards are not in this business. When they try to get into this business, it doesn’t work. The best example in the world, I guess, even though it was a victim of timing, was the cruise ship situation.

Most of this money goes to the medium and small yards, and it is a loan program. Maybe it is not administered closely enough, and I acknowledge that. We need to understand what we are doing. If we don’t fund it with this $50 million, or fund it in 2004, the program is dead. I think that is a mistake for our country.

I still believe we need our own merchant fleet. I hate to see all those jobs lost—engineers and other workers—and go to the shipyards around the world. I still would like to think that those ships are on call to America as American ships.

I understand that maybe this is not the right place for it, but there is a relationship to the war that is going on right now. It does affect our future ability to make sure we have our ships and crew that can deliver the dry products, liquid products, and the equipment around the world.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. I yield such time as I have remaining to the Senator from Arizona, Senator KYL.

Mr. KYL. Mr. President, how much time is left?

The PRESIDING OFFICER. There are 4 minutes 53 seconds remaining.

Mr. KYL. Mr. President, I support the Senator’s amendment. One could make an argument for this particular case, as the Senator from Mississippi has just done. But the argument should be made in a place and a time that doesn’t happen to be tomorrow because they cannot sustain themselves in debate and there really is a good case for them, they will prevail through the ordinary process.

Mr. MCCAIN. Mr. President, I ask the Senator from Mississippi to grant me 2 minutes.

Mr. COCHRAN. I have no objection to the additional time the Senator is requesting.

Mr. MCCAIN. Mr. President, I just say that, in consultation with Senator KYL, and thinking about this, rather than force the Senate through a series of votes, this is an important piece of legislation and I am proposing an amendment that includes the provisions that I described that I believe are extraneous and not related to this bill, as is stated in the title. I will include the $50 million for the MARAD loan guarantees.

Shortly, I will ask unanimous consent to withdraw the amendment because I will include it in the wrap-around amendment that will be considered tomorrow on behalf of myself and Senator KYL and, I hope, others.

Let me finally say that I do believe the appropriators exercised great restraint. I congratulate the Senator from Alaska and the Senator from Mississippi. I believe this contains probably less unnecessary spending than any appropriations bill I have seen. Now I would like to see if it is possible to send an entire clean bill to the President of the United States, and that would be a monumental achievement.

AMENDMENT NO. 456, WITHDRAWN

Mr. President, I ask unanimous consent to withdraw my amendment at this time.

The PRESIDING OFFICER. Is there objection?

Mr. REID. What was the request, Mr. President?

The PRESIDING OFFICER. The Senator asked to withdraw his amendment. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 462

(Purpose: To help the public against the threat of chemical attacks)

Mr. CORZINE. Mr. President, in a few minutes, I will send an amendment to the desk on behalf of Senator Edwards and me. About a half hour ago, Senator Edwards talked about an issue that has been one of the most serious concerns of mine and a whole host of Americans—about the state of our security and the threat to the American people from the EPA they face by the potential of a terrorist attack on our Nation’s chemical plants. There are literally thousands of chemical producers, refiners, and similar facilities in the United States where chemicals released by any of these plants could kill or injure tens of thousands—and, frankly, even millions—of Americans through exposure to highly toxic gases. That is why these facilities are potentially so attractive to terrorists.

Unfortunately, there are no Federal security standards for chemical facilities—none. So the private sector has been left to do as it sees appropriate on a completely voluntary basis. Far too many facilities simply have not stepped up to accept the responsibility. There are a number of private companies that have done everything ever thought to be necessary, but there are many that have been left out and keep vulnerabilities in front of the American people and are basically putting millions of Americans at risk.

I have a chart here that will show where—in red—these facilities are that put more than a million Americans at risk. There happens to be 11 in my State of New Jersey. It is a serious issue. There is one of those in the State of the President. But in a broad cross-section of our country, there are huge numbers of these facilities located in highly populated areas. There are 123 facilities in 24 States where a chemical release could expose more than 1 million people to highly toxic chemicals.
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There are 750 facilities in 39 States where chemical release can expose more than 100,000 people to these chemicals. Those are the States in yellow. There are 3,000 facilities spread across 49 of the 50 States where chemical releases could threaten more than 10,000 people. Frankly, these are pretty staggering numbers, and I think it represents a broad vulnerability across America.

The consequences of an attack on a chemical plant are potentially so horrific that it is hard for me to understand or accept inaction in this area. In fact, I would argue this body has been in sort of psychological denial. I guess about this problem. If September 11 taught us anything, it taught us that America can no longer avoid thinking about the unthinkable. We have to face up to the Nation’s most serious vulnerabilities. We have to confront them, and we have to confront them head on.

Let me repeat one statistic. There are 123 chemical facilities around the Nation that, if attacked, could threaten over 3 million American lives. This is a big deal in New Jersey. To bring this home in specific terms, there are 11 facilities in my home State, and one petrochemical plant in the middle of downtown Newark and south Carney that exposes nearly 8 million people in the greater New York-New Jersey region—8 million people potentially exposed to toxic fumes if there were a terrorist attack, a criminal attack, or, by the way, even if there was a safety violation or a plant malfunction. But we have had a number of those incidents in my State that have taken lives just because of safety considerations, let alone if the plants were under an attack by a terrorist or criminal activity.

These facilities pose a serious threat to public safety because they contain the kind of toxic chemicals that, if released, could cause those injuries I am talking about—chemicals such as chlorine, ammonia, hydrogen fluoride, the types of chemicals that were used to manufacture the bomb in Oklahoma City and the type of chemicals in Bhopal. There are all kinds of these chemical facilities in our cities, in our States, chemicals that serve very positive and important industrial functions but could instantly be transformed into weapons of mass destruction at the hands of terrorists.

That is not just my opinion. This is not an enviroview. This is not some hyped-up point of view. It has been documented and acknowledged time after time by experts and by the current administration.

My constituents, on March 18, the General Accounting Office issued a new report on the matter. GAO found that chemical facilities may be attractive targets to terrorists because of the extent of harm they could inflict. Yet, as GAO explained, there are no Federal laws requiring chemical plants to assess vulnerabilities and to take action to guard against terrorist attacks.

I am going to submit a summary of the GAO report. For those who need thoughtful and systematic information about the vulnerabilities, about what is not being done, I suggest they read the whole report. I ask unanimous consent to print a brief summary of the GAO report.

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

HOMELAND SECURITY—VOLUNTARY INITIATIVES TOWARD PREPAREDNESS BUT THE EXTENT OF SECURITY PREPAREDNESS IS UNKNOWN

WHAT GAO FOUND

Chemical facilities may be attractive targets for terrorists intent on causing economic harm and loss of life. Many facilities exist in populated areas where a chemical release could threaten thousands. EPA reports that 123 chemical facilities located throughout the nation have toxic “worst-case” scenarios where more than a million people in the surrounding area could be at risk of exposure to a cloud of toxic gas if a release occurred. To date, no one has comprehensively assessed the security of chemical facilities.

No federal laws explicitly require that chemical facilities or industrial facilities or any other facility take security actions to safeguard their facilities from attack. However, a number of federal laws impose safety requirements on these facilities that mitigate the effects of a terrorist-caused chemical release. EPA believes that the Clean Air Act could be interpreted to provide authority to require chemical facilities to assess their vulnerabilities and to make security enhancements that protect against attacks. However, EPA has not attempted to use these Clean Air Act authorities because of concerns that this interpretation would pose significant litigation risk and has concluded that chemical facility security would be more effectively addressed by passage of specific legislation.

The federal government has not comprehensively assessed the chemical industry’s vulnerabilities to terrorist attacks. EPA, the Department of Homeland Security, and the Department of Justice have taken preliminary steps in the industrial preparedness effort, but no agency monitors or documents the extent to which chemical facilities have implemented security measures. Most facility operators, state, and local entities lack comprehensive information on the vulnerabilities facing the industry.

To its credit, the chemical industry, led by its industry associations, has undertaken a number of voluntary initiatives to address security at facilities. For example, the American Chemistry Council, whose members own or operate 1,000, or about 7 percent, of the facilities subject to Clean Air Act risk management plan provisions, requires its member facilities to assess vulnerabilities and implement security improvements. The industry faces a number of challenges in preparing facilities against attack. The industry overwhelmingly supports legislation that would require chemical facilities to address security concerns. Despite the industry’s voluntary efforts, the extent of security preparedness at U.S. chemical facilities is unknown. Finally, both the Secretary of Homeland Security and the Administrator of EPA have stated that voluntary efforts alone are not sufficient to assure the public of improved security measures.

Mr. CORZINE. Mr. President, in addition to this GAO assessment, they recommended the Department of Homeland Security and EPA, working together, develop a strategy, including a legislative proposal, to address the threats of attacks on chemical plants.

I listed the highlights of their report which has a recommendation that there is a need for legislation in this area. There is a need to protect the American people against chemical plant risks. The GAO report was released on March 18 of this year.

To continue with the acknowledgment that this is real, only a month later, the Department of Homeland Security, when it raised the Nation’s alert to code orange, sounded the alarm about the threat facing chemical facilities. In its bulletin it sent out to State and local officials, the Department stated:

Al-Qaida operatives also may attempt to launch conventional attacks against U.S. nuclear/chemical-industrial infrastructure to cause contamination, disruption, and terror. Based on information, nuclear powerplants and industrial chemical plants remain viable targets.

That is from the Department of Homeland Security to all State and local officials: “Chemical plants remain viable targets,” and we have not done anything. It is time to recognize that there is broad recognition by the administration and by those who study this issue that it is time to act. That was on February 12 of this year.

Let me go back to October 6 of last year. On that day, Homeland Security Secretary Ridge and EPA Administrator Whitman had a letter published in the Washington Post. They stated in that letter:

The Bush administration is committed to reducing the vulnerability of America’s chemical facilities to terrorist attack and is working to enact bipartisan legislation that would require such facilities to address their vulnerabilities.

They go on to say that while there have been good steps taken by private industry, there are over 15,000 chemical facilities nationwide storing large quantities of hazardous chemicals, and they must be required to take steps that mimic industry leaders in this area.

That letter was from Secretary Ridge and EPA Administrator Whitman last October. I ask, Has the administration proposed such bipartisan legislation? Have they proposed any legislation? Have they issued any regulations to address the threat facing chemical plants? Have they entertained any such regulations? Have they done anything—anything at all—to meaningfully address the security threats facing chemical plants? I think the fair answer is no to each and every one of those questions.

Periodically, we have seen press reports that the administration may be working on some type of proposal, and I commend that effort. I hope they will. But so far, they have shown no willingness to newswise on to a bipartisan bill. I have sent letter after letter, question after question, made phone call after phone call, trying to enter into a negotiation, not only with the
administration, but the other side of the aisle, on this issue.

The bottom line is, a year and a half after the attacks of September 11, there still has not been a serious response with regard to what we are doing to protect the public.

In fact, the Nation has known about this problem for a very long time. The Department of Justice issued a report on this matter a year and a half before September 11. Let me read a brief excerpt from that report which was issued on April 18, 2000:

We have concluded the risk of terrorists attempting in the foreseeable future to cause an industrial chemical release is both real and credible.

Again, April 18, 2000:

Terrorists or other criminals are likely to view the potential of chemical release from an industrial facility as a relatively attractive means of achieving these goals.

That report was issued before September 11. The conclusion has since been echoed by other Government agencies and in private studies with regard to vulnerabilities in our infrastructure.

I will not relate them all, but the warnings have been repetitive, from the Hart-Rudman Commission to the Department of Homeland Security on February 12 when they issued their code orange alert.

While some companies may well be doing an outstanding job in securing their facilities, many are not. Simply relying on voluntary standards just is not working, and if we are going to protect America from the threat of terrorist attacks on chemical facilities, we need to do more. That is why in October 2001 I introduced the Chemical Security Act. That is why I worked with Senators on both sides of the aisle to move the legislation through the Environment and Public Works Committee. Ultimately, the committee approved the legislation on a rolcall vote of 19 to 0. Not a single Senator voted no—not a single Senator.

The amendment I am offering today, along with my good friend, the distinguished Senator from North Carolina, Mr. Edwards, is based on the legislation that was approved by the committee on a 19-to-0 vote. However, we have made a few changes in good faith to make it more acceptable to industry and to win broader support.

The legislation requires the Department of Homeland Security and EPA to do three things: First, the Department has to identify high-priority chemical facilities, those that potentially put a large number of people at risk.

Second, they must require those high-priority facilities to assess their vulnerabilities to develop and implement plans to improve security and use safer technologies.

Third, these assessments and plans would then be reviewed by the Department of Homeland Security. The changes could be required if deficiencies are identified. That is the amendment in a nutshell. It is a simple, commonsense approach that would establish standards and ensure some balance at this time.

Last year, after my legislation was approved unanimously in committee, some in industry expressed concerns. Industry perpetrators killed the bill, kept it from even coming up for debate on this floor. Opposition to the bill was largely based on two points, both of which I am going to try to address, with changes from what came out of committee.

First, opponents argued that the responsibility for overseeing chemical security should rest with the Department of Homeland Security rather than the Environmental Protection Agency. I proposed giving the responsibility to EPA for a reason. They have the expertise on chemical plants. They have the expertise on dealing with these highly toxic chemicals. Under the Clean Air Act, they already have a requirement to oversee. They have the expertise. DHS does not.

On the other hand, I recognized from the start that the EPA did not have the expertise to evaluate security arrangements. So we originally asked the Department of Justice back in October of 2001 to transform this proposal that to the Department of Homeland Security—and now we have put the Department of Homeland Security as the lead agency in charge of what has been requested by those in industry because they wanted security to be the primary element. So we have responded.

Having said that, I also acknowledge that in spite of EPA’s expertise, the latter was necessary. So in an effort to broaden support for our proposal, we continue to modify and we reflect others’ concerns.

The second concern raised by industrial lobbyists about the bill, again unanimously approved by the EPW Committee, focused on the bill’s provision to shift to safer technologies, to the extent practical.

I will take a moment to explain why this provision was included and why it is so important. It is not just enough to put barbed wire on high fences around the place when some attacks could come over those walls—planes and other things—which we have begun to understand can happen post-September 11. We know no matter how high we build the directly committed terrorist can get to those facilities, and it becomes important to make sure the facilities are as safe as they possibly can be without putting companies out of business. To truly protect the public, we need to do more. We need to take steps to build in better inherent technology.

I have seen a great example of that in Washington, DC, as I think Senator Edwards mentioned, at the Blue Plains Sewage Treatment Plant. Prior to September 11, they were storing chlorine and sulfur dioxide in cars trains just across the river. Both are volatile, dangerous chemicals. If those tanks were attacked, a poisonous cloud could have been over Washington, DC. It would have been one of those places where roughly a million people could have been exposed—certainly hundreds of thousands, including the Capitol and the White House.

Business recognized this was a risk and did something about it. In fact, we should be quite proud of business taking an initiative on a voluntary basis to address this problem. They changed from chlorine to sodium hypochlorite, which is a strong white solid but much safer, less volatile. It is going to cost 25 to 50 cents a year for those who drink water in the District, but I think it is a small price to pay to bring about the kind of safety considerations that the public and the community would expect. It sounds like a bargain to me.

To the extent practical, we need to find ways to move away from dangerous and toxic chemicals to other chemicals or other processes that protect the community. So in an effort to make the processes safer I understand it is an expensive process. So what I have done in this amendment, as opposed to in the original bill, is I have offered economic incentives and economic support to those companies that transform to safer technologies. For those businesses that need help, I have put $50 million into this bill to make that process better. So we have a second element that really has tried to accommodate some of the concerns that people had in this regard and how onerous it might be.

We have a problem. We have some obvious steps to deal with it and we have tried to get the private sector to move in a direction that will enhance both the security and bring about safer technologies that will protect people.

So that is it. I think it is an extremely important initiative that needs to be taken in the context of the homeland security efforts that are in progress. I hope people will take this seriously, as Senator Edwards, Senator Jeffords and others have, as 19 Senators in EPW did when we voted on this after much review and discussion.

I am eager to work with the administration. I am eager to work with those on the other side of the aisle to make sure we have an initiative to protect our chemical plants, which is really about protecting the American people. I hope we can move to this goal. This should be one of the No. 1 steps we have in this process.

I send the amendment to the desk on behalf of myself and Senator Edwards and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. Corzine] for himself, for Senator Jeffords, proposes an amendment numbered 462.

Mr. CORZINE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.
The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. CORZINE. Again, I urge my colleagues to give us a chance to vote on this amendment in the coming days, to sit down and look at this in a serious minded way, knowing that we have addressed some of the problems and that we can move forward to have a positive embracing of real steps to protect the American people from exposure we have to chemical plants. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I deeply regret that as manager of the bill I am constrained to make a point of order that the Senator's amendment violates rule XVI and that it is legislation on an appropriations bill. It is a totally new title, and while we do have some clauses that might be legislation, we have not accepted any bills as such. I make a point of order under rule XVI that it is legislation on an appropriations bill.

The PRESIDING OFFICER. The PRESIDING OFFICER. The Chair is prepared to rule. The amendment does constitute legislation on an appropriations bill. The point of order is sustained.

The Senator from New Jersey.

Mr. CORZINE. Mr. President, I ask unanimous consent that the amendment be considered in order notwithstanding rule XVI.

The PRESIDING OFFICER. The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I object.

The PRESIDING OFFICER. Objection is heard.

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

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

Amendment No. 451, as Modified

Mr. STEVENS. Mr. President, I am informed there is a modification of the Allard amendment at the desk.

The PRESIDING OFFICER. Yes, there is.

Mr. STEVENS. I ask unanimous consent that the Allard amendment be replaced by the modification—a total substitute.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be so modified.

The amendment (No. 451), as modified, is as follows:

On page 89, between lines 4 and 5, insert the following:

TITe V—Panel to Review Sexual Misconduct Allegations at United States Services of the Senate and the House of Representatives, select the Chairman of the panel from among its members under subsection (b).

(d) Period of Vacancies.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(e) Meetings.—The panel shall meet at the call of the Chairman.

(2) Initial Organization Requirements.—

(1) All original appointments to the panel shall be made not later than May 1, 2003.

(2) The Chairman shall convene the first meeting of the panel not later than May 2, 2003.

SEC. 502. DUTIES OF PANEL.

(a) In General.—The panel established under subsection (b) shall carry out a study in order to determine responsibility and accountability for the establishment or maintenance of an atmosphere at the United States Air Force Academy that is conducive to sexual misconduct (including sexual assaults and rape) at the United States Air Force Academy.

(b) Review.—In carrying out the study required by subsection (a), the panel shall—

(1) the actions taken by United States Air Force academy personnel and other Department of Defense personnel in response to allegations of sexual assaults at the United States Air Force Academy;

(2) review directives issued by the United States Air Force pertaining to sexual misconduct at the United States Air Force Academy;

(3) review the effectiveness of the process, procedures, and policies used at the United States Air Force Academy to respond to allegations of sexual misconduct;

(4) review the relationship between—

(A) the command climate for women at the United States Air Force Academy, including factors that may have produced a fear of retribution for reporting sexual misconduct; and

(B) the circumstances that resulted in sexual misconduct at the Academy; and

(5) review, evaluate, and assess such other matters and materials as the panel considers appropriate for the study.

(c) Report.—(1) Not later than 90 days after its first meeting under section 501(5)(2), the panel shall submit a report on the study required by subsection (a) to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives.

(2) The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

SEC. 503. PAY AND ANNUAL MATTERS.

(a) PAY OF MEMBERS.—(1) Members of the panel established under section 501(a) shall serve without pay by reason of their work on the panel.

(2) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this title.

(b) TRAVEL EXPENSES.—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

Mr. STEVENS. I ask that we consider the Allard amendment as pending before the Senate and it be agreed to.

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

The amendment (No. 451), as modified, was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

Mr. KERRY. Mr. President, on behalf of myself, Senator SNOWE and Senator BENNET, I am offering an amendment to the FY2003 Supplemental Appropriations bill in order to make available an additional $1 billion in government guaranteed loans to small businesses.

Let me make clear to my colleagues that we are not requesting additional money for the Small Business Administration. This amendment is technical, clarifying a provision enacted as part of the Conference Report to H.J. Res. 2, the FY2003 Omnibus Appropriations Act. It clarifies that Congress intends that the SBA use a more accurate method—known in the technical terms as an econometric model—to estimate the cost of all small business loans authorized under Section 7(a) of the Small Business Act of FY2003.

Right now the SBA is only using the new method to estimate the cost of "regular" 7(a) loans, treating differently 7(a) loans—known as Supplemental Terrorist Activity Relief (STAR) Loans—made to small businesses that have been the victims of the 9/11 terrorist attacks. This inconsistently affects the overall program by leaving it short on lending dollars at time when demand for loans through the SBA's flagship loan program is up 38 percent. If the SBA will use the new, more accurate method to calculate STAR loans, it will mitigate the shortfall by making available an additional $1.2 billion in loans to small businesses. This amendment clarifies the SBA's authority to do this.

I thank Senator HOLLINGS, GREGG, BINGMAN and Stevens for their help on this important issue.

Mr. STEVENS. I am advised by the majority leader, with the consent of the minority leader, there will be no more votes tonight. We expect a series of votes in the morning, and we urge Senators to let us know if there are any amendments that have been hinted at, to let us know if they intend to raise them tomorrow.

We expect a full day tomorrow, and we hope to finish this bill tomorrow night. I thank all Members for their courtesy and consideration and yield to my friend from Nevada.
Mr. REID. I confirm that the Democratic leader has said he believes it is very important to finish this bill tomorrow. That way, we can conference this and have the bill on the President's desk before we take a break for Easter. As we know, this is wartime and we need to finish this legislation as quickly as we can. We are going to do everything within our power on this side, and I know the Senator from Alaska will do everything on his side, to move this along.

Mr. STEVENS. I thank the Senator from Nevada. He is very cooperative and very much aware of the problems dealing with the floor from his own experience, and I appreciate his help on this bill no end.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

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

RULES OF THE COMMITTEE ON APPROPRIATIONS OF PROCEDURE

Mr. STEVENS. Mr. President, the Senate Appropriations Committee has adopted rules governing its procedures for the 108th Congress. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator BYRD, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

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

UNITED STATES SENATE COMMITTEE ON THE RECORD—SENATE APPROPRIATIONS COMMITTEE RULES—108TH CONGRESS

I. MEETINGS OF THE COMMITTEE

1. Meetings may be called by the Chairman as he may determine, or at the request of any Senator or any other question, a quorum being present.

The Committee will meet at the call of the Chairman.

II. QUORUMS

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony by the Committee, three members shall constitute a quorum.

For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any Subcommittee, one member shall constitute a quorum.

III. PROXIES

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. ATTENDANCE OF STAFF MEMBERS AT CLOSED SESSIONS

Attendance of Staff Members at closed sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARINGS

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the Full Committee for its decision.

VI. AVAILABILITY OF SUBCOMMITTEE REPORTS

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. AMENDMENTS AND REPORT LANGUAGE

To the extent possible, amendments and report language to be proposed by Senators at Full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. POINTS OF ORDER

Any member of the Committee who is floor manager of an appropriation bill, is hereinafter authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriation.

Mr. HATCH. Mr. President, I ask unanimous consent to have printed in the RECORD the Rules of Procedure for the Committee on the Judiciary for the 108th Congress.

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

UNITED STATES SENATE COMMITTEE ON THE JUDICIARY—RULES OF PROCEDURE

I. MEETINGS OF THE COMMITTEE

1. Meetings may be called by the Chairman as he may determine, or at the request of any Senator or any other question, a quorum being present.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. On the request of any Member, a nomination or bill on the agenda of the Committee shall be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. QUORUMS

1. Ten Members shall constitute a quorum of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. For the purpose of taking sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of a Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, a Member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to the matter, a vote without further debate, a rollcall vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the minority.

V. SUBCOMMITTEES

1. Any Member of the Committee may sit on any Subcommittees during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittees whenever he is a Member of such Subcommittees.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittees' chairmanship and seniority on the Appropriations Committee and the Subcommittees shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the chairman, except as agreed by a majority of the Committee or by agreement of the Chairman and the Ranking Minority Member.

VI. ATTENDANCE RULES

1. Official attendance at all Committee markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance at subcommittee markups and executive sessions shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that it is notified by the Committee Chairman and ranking Member, in the case of Committee hearings, and by the Subcommittee Chairman and ranking Member, in the case of Subcommittee hearings. 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

MILITARY CONTRIBUTIONS OF THE MARSHALL ISLANDS, M ICRONESIA AND PALAU

Mr. AKAKA. Mr. President, I join my colleagues on the Senate Committee on Energy and Natural Resources in clarifying the portrayal of the military contributions of three island nations with which the United States has a unique political relationship referred to as free association. The Republic of the Marshall Islands, RMI, Federated States of Micronesia, FSM, and Palau. Last week an article in The Washington Post entitled “White House Notebook: Many Willing, But Few Are Able” referenced the military contributions of the Freely Associated States, FAS, in a droll and flippant manner. Regrettably, this poorly researched attempt at wit missed its mark. I want to set the record straight.

The Compact of Free Association between the United States and these strategic Pacific island nations serves our national security interests in the Pacific region by providing the U.S.