

money coming in, and therefore higher deficits, and then what is left for the things that represent domestic discretionary spending, including health care and education?

What is left to try to do something that says to kids: Your education matters because our future is in our schoolrooms? We believe that every young child ought to walk through the door of a schoolroom where their parents are able to say: We have sent our child to the best schoolroom in the world.

How do you do that when there is no money left for education or health care because we have a fiscal policy that does not add up because 18 months ago we said we were going to have surpluses for 10 straight years, and 18 months later—following a war, a recession, stock market collapse, corporate scandals, and more—we now have turned surpluses into big deficits.

I think it is time—long past the time—for this Congress to have an honest, real, aggressive, significant debate about this country's economy: what is wrong; how do we fix it; what has worked; what works; what is right; what does not work, and how do we repair it.

I began by talking about Iraq. The situation in Iraq is very important. But our economy is also vitally important. We have been the economic engine for this world. When the economy in Asia was soft, we still were the economic engine that provided strength. When the economies of Europe were soft, the American economy was still the economic engine. Take a look what is happening to the American economy today, and it is not working well.

This Congress has a responsibility to begin a thoughtful, sober, serious discussion about what works and what does not with our economy, and how we construct a new fiscal policy to fix that which is wrong. The President has a responsibility to join us as well. At the present time he talks only about foreign policy. Foreign policy is important, but it is not exclusive. This President has a responsibility to join us. It is his fiscal policy. He won 18 months ago. It is his fiscal policy that now helps create large deficits rather than large surpluses. He must join us in trying to determine what we can do to pull ourselves out of this morass.

This country can do better, but it needs good public policy coming from this Congress.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HOMELAND SECURITY ACT OF 2002—Continued

Mr. DASCHLE. Mr. President, I come to the floor at the end of the day to remind our colleagues that there will be two votes tomorrow morning. They will both be cloture votes. Those votes are ones we have cast before. This will be the third cloture vote on the drought and firefighting amendment that has been pending for weeks. It will be the second vote on homeland security.

I am troubled by the rhetoric I hear off the floor with regard to Democratic efforts to slow this legislation down. I find it quite ironic that while there are some who suggest it is Democrats holding up this legislation and criticize us for doing so, it is the Democrats voting virtually with unanimity in support of cloture to end debate on both bills.

This is the fourth week we will be on this legislation.

I don't know what agendas are being played out. Some may think maybe the longer we wait to vote on these things, the more advantageous it is for one side or the other. There is a lot of work left to be done. I know the American people expect us to complete our work on homeland defense, and our farmers and ranchers and firefighters certainly expect us to have acted by now on the assistance they need so desperately.

How cynical can it be for some to suggest, in the name of whatever, that we can hold up drought assistance, hold up firefighting assistance, hold up the extraordinary help this represents, in the name of whatever issue? I have said this before on the Senate floor, and I will say it again now. Just getting cloture on the Byrd amendment, which includes \$5 billion or more in drought assistance, and almost a billion dollars in firefighter assistance—to get cloture on that amendment in no way precludes other amendments. It certainly doesn't preclude any Senator from offering the forest health amendment or anything else on the bill itself. It doesn't preclude that.

So there is absolutely no reason Senators should oppose cloture on the drought and firefighters amendment—unless they are not serious about providing help in the first place. You have to wonder, after the third cloture vote, if people are truly serious about providing help; if they are serious when they say they want to provide some response to firefighters and drought victims in the agricultural areas of our country.

You would have to believe if they were serious they would vote for cloture, they would send this amendment and this bill into conference, and we would get this job done. You would think that.

All of the machinations and explanations and all of the excuses ring very hollow to ranchers and farmers and firefighters when they note that we are now in the third week of this filibuster from the other side, depriving these very people the sustenance they need to survive.

Mr. President, there can be no explanation. So I hope the vote tomorrow will have a different result. I hope all these political strategies, as they play themselves out, have played their course. I hope we can say, on a bipartisan basis, that the time has come for us to send a clear message to ranchers and farmers and firefighters that we are going to get them that help. I hope we can do that.

Tomorrow is our chance because I will tell you if we don't get cloture tomorrow, we send just the opposite message—that in politics we can say anything we want and not be held accountable. We can say we are for you, but we can always think of a reason we are not at the end of the day.

There is a great deal of cynicism in ranch and farm country and the forests as we fight these fires right now. People are shaking their heads wondering what in Heaven's name could be holding up this help. I cannot explain it, and I don't think anybody else can satisfactorily. They can come to the floor and say they are not filibustering. They can come to the floor and say there are other issues that are more important. They can come to the floor and try to explain in a hundred different ways, but there is no explanation. There is no excuse. There is no way to look in the eyes of those farmers and ranchers or firefighters and say: Just wait another week, wait another month. You have waited long enough, but we are going to make you wait a little longer.

You cannot do that.

So tomorrow is a big test. Are we serious about drought assistance? Are we serious about firefighter assistance? Are we serious about getting this job done and sending the right message? We will know the answer by late morning.

The same could be said about homeland security. As I noted, we have already had one cloture vote. I am told the amendment offered by our Republican friends is germane. So there really is no reason to vote for cloture and bring this bill to a close. We have so much more work to be done. A day doesn't go by when three or four colleagues on both sides of the aisle come to me and say: When are we getting out? When are we going to be able to go home?

The answer to that rests, in part, on tomorrow. If we can support cloture and get this legislation passed, if we can move this agenda forward, with all the other things that have to be done, there is no reason we cannot meet our adjournment day.

Mr. President, I just come to the floor to urge my colleagues not to fall into the trap—the rhetoric trap—of attempting to explain why you are for homeland security, why you are for drought assistance, why you are for firefighting assistance, why you are for completing our work on time—and then turning around and voting against cloture, voting against bringing this

debate to a close, after a month of legislative activity on the Senate floor.

I will be watching. I know the American people will be watching. Tomorrow is a very big day. Tomorrow is a day when we will see who is sincere and who is not; who is prepared to bring help to those needy farmers and ranchers and firefighters, and who is not; who is prepared to answer the President who said just yesterday that the Senate needs to get its act together to pass homeland security. Tomorrow is our chance.

So let's see whether we seize the moment and take that chance and do what we need to do to get the job done. I am sure on both sides of the aisle colleagues recognize the importance of doing just that. So we will have a chance to prove it tomorrow morning on the cloture vote.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, to respond to the majority leader, I totally disagree with many of the statements that were made. There is no one on this side of the aisle filibustering the Interior or homeland security bills. No one. None. I know. We are willing to vote. I am embarrassed that we have spent 3 weeks on the Interior bill. Cloture is not filed on the Interior bill; cloture is filed on one amendment. Even if cloture was invoked, the amendments can still be offered. Senators have a right to offer amendments. I just mention that.

If the majority leader wants to move forward on the bill, table the amendment. That is the way to do it. I know the majority leader knows that. I will table the amendment if that will help him. If I was managing the bill, I would try to move the bill. I used to be chairman of that subcommittee. It is embarrassing to me that the Senate has been on this and homeland security for now the fourth week. That is not the way to manage appropriations bills. I am embarrassed we haven't passed but three appropriations bills. I just mention that to my colleague.

Having a cloture vote on the Interior bill is a total waste of time. Even if it is invoked, you can waste 3 days, and then the sponsors of the amendment can still offer the amendment to the bill. That is correct. Cloture on homeland security is a waste of time. I tell the majority leader that because it would deny the Senator from Texas and the Senator from Georgia the chance to offer the President's substitute. I know the leader knows we have enough votes to make sure they know they are going to get enough votes on the substitute.

There is a tendency around here to file cloture thinking that will always expedite matters, but certainly it is not the case with the appropriations bills. It will not work, I am informing the majority leader.

I am also saying, with regard to filing a cloture motion on homeland secu-

rity, we are not going to let that deny the President the opportunity to offer his proposal. We can have all the cloture votes you want, but it does not move us any quicker to passing drought relief or additional money for firemen. It will not happen.

If you want to dispose of that amendment, we can table it and find out where the votes are. The Senator from Idaho is entitled to have a vote on his amendment. There is money in it for fire. He is saying we should reform our processes in managing the forests. He has a right to do that.

I know Senator REID and I have managed bills in the past. Senators have offered amendments, and the ones we did not like, we would usually table, and if we were not successful, we would usually drop it in conference, but we would manage the bill. This bill is not being managed. Neither bill is being managed. So we are now on our fourth week on two bills when both should have been done in a relatively short period of time.

I mention that to the majority leader. File all the cloture motions you want, but if you want to move forward on the bill, I think we should just vote on these amendments and we can be done.

I mention that as friendly advice. I would like to see the Senate work and see the Senate work much better, but I did want to clarify—I have said this about four times—no one on the Republican side of the aisle is filibustering either of these two bills.

I think it is in our best interest for the Senate and for the Congress to pass both bills. I am willing to work with the majority leader to do that. I offer a suggestion: If people do not like the Craig amendment, move to table it or come up with an alternative where we vote side by side on different alternatives.

I had understood there was going to be a motion to table the Craig amendment, and then there was going to be a Bingham amendment which is comparable. Ways can be worked out. Senator CRAIG is entitled to a vote on his amendment, and Senator BINGAMAN may be entitled to a vote on his amendment. We can dispose of that, finish the Interior bill, get it to conference, and hopefully work it out with the House.

I also hope we can do that with the remainder of the other appropriations bills. It is embarrassing for me not to have passed more appropriations bills through the Senate, through the House, and to the President. He is entitled to have an opportunity to sign or veto appropriations bills, and we are not giving that to him.

I make those comments and friendly suggestions to my friend. I do want to reemphasize that no one on the Republican side is filibustering either of these bills. I wanted to make sure that is clear. I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, as always, I appreciate the friendly advice from my friend and colleague, the Senator from Oklahoma. He is a student of the legislative process. He has every right to be embarrassed. If he wants to come to the floor to express how embarrassed he is, I certainly would not want to keep him from doing that, and I appreciate his candor.

As to the appropriations bills, the House has sent us five. This is the fourth one that we have taken up. There are eight bills that are mired, that are languishing in the House of Representatives because the House Republican leadership cannot appear to find whatever wherewithal may be required to move the legislation forward. They have not sent them to the Senate so, obviously, we cannot bring them up. We are waiting patiently for additional legislative action on the part of the House. I am hopeful they will send it soon because they are the ones who should be embarrassed.

I must say the Senator from Oklahoma is certainly within his rights to express himself and in characterizing these votes against cloture in any way he sees fit. That is the right of every Senator. I do not blame him for not wanting to be accused of filibustering this legislation, but I think anyone, just an objective observer would be hard pressed to say: We are not filibustering, but we are going to vote against cloture.

What is cloture? Cloture is the means by which you bring an end to the debate on a particular bill or an amendment. That is what cloture is. I can read the rule. I can clearly, I am sure, share with my colleagues exactly what the rule says with regard to how one ends a filibuster, how one ends extended debate. How do you do that? You file cloture.

When our Republican colleagues were in the majority, they used to fill the tree. They used to load up the amendment tree and then file cloture so that not only would they end debate, they would keep it from beginning. We would not even start the debate when our colleagues would come to the floor and not end it but prevent it.

I have said I will not do that. We will have debates, but there comes a time, and I would say any objective observer would say at the end of 4 weeks, that is a pretty good time. I mean, just to pick a number—4 weeks of debate. We file cloture now for the third time on the Interior appropriations bill to end debate. That is what it will say tomorrow morning.

We will support it. Our colleagues are going to oppose it, and then they are going to say: But we are not against ending debate; we are not filibustering.

If you can convince anybody of that, you are a better speaker and a more persuasive person than I am. Bless your heart if you can do that. I am telling you, this is a filibuster, purely, simply, and without question. You vote against cloture for the third time, you

vote to filibuster; you vote not to end debate; you vote to extend, and the bottom line is—forget all the parliamentary procedural gobbledygook—you are telling ranchers, and farmers, and firefighters they are going to wait a lot longer. That is what you are telling them.

Forget the filibuster. Just remember what it means to extend debate in this case. It means they wait longer. It means that regardless of whatever excuses you can come up with, you continue to deny these people the chance to get help. That is what it means, pure and simple. They understand that in South Dakota. I think they even understand that in Oklahoma. But regardless of whether they understand it in Washington, we will have the chance once more to demonstrate who is for getting that help and who is not. That is what that vote is tomorrow. I yield the floor.

The PRESIDING OFFICER. The assistant Republican leader.

Mr. NICKLES. Mr. President, I compliment my colleague from South Dakota because he got his people some help. He was able to pass an amendment that would allow them to clean up their forests and maybe prevent forest fires, but the rest of the people in the country did not get the so-called Daschle amendment. He was able to get it. I do not know how. It went through. We did not have a vote on it. We did not have a lot of discussion because a lot of us would have said it should have been national. So Senator CRAIG offered an amendment that said we want part of the reforms—not all the reforms—Senator DASCHLE was successful in getting to help South Dakota.

We are saying, in forest management, because we have forest fires breaking out all across the country, we should be able to clean up some of the diseased and dead trees so we do not have kindling for further fires. That is the essence of the Craig amendment.

We are entitled to a vote on that amendment. We did not get to vote on Senator DASCHLE's amendment. We did not get a vote on that. We are not even saying we should have that policy nationally, but we should have part of it to reduce the cause and incidents of forest fires.

In the underlying bill, we have money for forest fires, and we have money for drought. Senator CRAIG says: Let's have improvement in forest management simultaneously. He has a right to offer that amendment. Cloture, as Senator DASCHLE is trying to invoke, would make it impossible for Senator CRAIG to offer that amendment on the firefighting money.

Interestingly enough, it would not prevent him from offering it to the rest of the bill. Senator DASCHLE is not offering cloture on the bill. He is offering it on one amendment. I am tempted to say we agree to cloture; that would be fine with me. And then Senator CRAIG can offer the amendment to the bill. So cloture is getting us nowhere fast. We do not need this.

I implore the majority leader: Let the Senate work. If you do not want the Craig amendment to pass, move to table it, and we move on. You roll with the punches. You win some, you lose some.

Evidently, some people on the Democratic side of the aisle do not want to vote on the Craig amendment. I hope people understand that is what it is about. I am protecting the right of the minority to offer an amendment.

I tell the majority, we are going to offer this amendment. Whether it is an amendment to Senator BYRD's amendment or someplace else on the bill, we are going to offer the amendment. We are not going to be denied the opportunity to offer an amendment. I have to protect my Members' rights, and I will do so aggressively.

So I urge the majority leader to withdraw the cloture vote. If he wants to have cloture, he is not going to get it. We are going to insist on the right to offer amendments.

The same thing would apply to homeland security. If cloture is invoked, then we do not even get to have a vote on the President's homeland security bill.

Senator GRAMM and Senator MILLER have a bipartisan bill, which the President has worked on. They have agreed upon it, they have adjusted it, they have worked on it, and they are entitled to offer their amendment. If cloture is invoked on homeland security, they do not even get to offer that amendment. So cloture is a tool not just to shut off the debate, it is a tool used to deny Members the right to offer their amendments.

This is the fourth week we have been on these two bills, and we have made very little progress. We have had very few votes because people do not want to vote? This side is willing to vote. We have been willing to vote on the Craig amendment for weeks. Let's vote. The way to bring a vote to a head if you cannot get somebody on this side ready to vote and that side is not ready to vote, you move to table it. That is a nondebatable motion. You get a vote. Let's find out where the votes are.

If somebody does not want to vote, why are they in the Senate? We are delaying one bill for weeks because some people do not want to vote on one amendment. It is ridiculous. We used to manage these bills in ways that if a Senator did not like the amendment and got beat on the floor, he might drop it in conference, or try and change it. But to just say we are going to keep filing cloture, as if that is trying to bring a filibuster, there is no filibuster. If there is a filibuster, it is on the Democrat side; it is not on the Republican side. We are ready to vote. I have heard the sponsors of this amendment say we are ready to vote, we are ready to vote. So to say this is going to risk drought assistance and fire assistance does not fly. We are ready to vote. Let's vote up or down on the amendment. Let's vote today. Let's vote tomorrow. Let's vote

the next day. How many weeks do we need to be on it?

I am ready to win. I am ready to lose. We are exhausted on the debate, but we keep having it. This is about the fifth debate I have given, not on the substance but on cloture, because the majority keeps filing cloture. They are going to keep filing cloture. Why? It is to no avail.

We are not going to get cloture and deny Senator GRAMM and Senator MILLER the opportunity to offer the President's substitute or the President's proposal for national homeland security. That is not going to work. Everybody knows that. It is not going to work.

Why in the world would we adopt cloture and deny Senator CRAIG the amendment dealing with forest fire management? Senator DASCHLE was able to get in a management proposal that dealt with his forests. My compliments to him. I like people taking care of their States. I like people doing forest management in their States, working out agreements with environmentalists. Evidently, that happened in Senator DASCHLE's case so they can harvest some timber and get rid of some of the dead timber. That is great. Why can we not do that for the rest of the country? Are we not entitled to offer that amendment?

I believe Senator CRAIG's amendment is scaled down in comparison to what Senator DASCHLE was able to do in South Dakota. My compliments to Senator DASCHLE for helping his State, but I think other people are entitled to offer amendments that would protect their States. Their States are burning. Their States are not just asking us to give them more money for fire assistance, but they want to change the policy so we do not have so many fires next year and the next year.

They are entitled to offer that amendment, and if people disagree with that amendment, they are entitled to vote against it or they are entitled to table it. But to file what I think are frivolous cloture motions undermines the whole purpose of the Senate.

I am a student of the Senate. I love the Senate. Cloture should be used rarely, when there is a real extended debate. We have not had an extended debate. We are ready to vote. So it is a method where some people are trying to use it to stop amendments that are not liked and on which they do not want to vote.

Again, the Senator from Idaho, the Senators from the West, are entitled to say we want at least part of what the majority leader was able to do in his State. We are going to protect the rights of the minority to be able to offer amendments. We are going to protect the rights of Senator GRAMM and Senator MILLER to offer the President's proposal. Cloture on these two bills is not going to work. It would not work anyway.

I am tempted to say let's give cloture and then offer the amendment tomorrow after we wait 30 hours; waste a

couple of days and then offer the amendment again. We can do that. Maybe we should do that. It might prove our point that cloture is not the way to go when filing amendments dealing with appropriations bills. It really does not let the Senate work. The Senate should work, but frankly the Senate is not working.

Fingers can be pointed at the House of Representatives, but the reason why the House has not done more bills is because there has not been a budget. The House has passed a budget and the Senate has not passed a budget.

When I say I am embarrassed for the Senate, I am embarrassed for the majority because they have not passed a budget. They did not even bring a budget resolution to the floor of the Senate. A budget does not take 60 votes to pass. It takes 51 votes to pass in the Senate. For the first time since 1974, the majority did not bring a budget to the floor of the Senate. Because we do not have a budget, we do not have like figures between the House and the Senate. We do not have figures in the Senate because we have not passed it.

So fingers can be pointed at the House and one can say the House has only passed so many appropriations bills, but they have passed more than the Senate has. There is nothing in the Constitution that says the Senate has to wait on the House to pass appropriations bills. That has been the tradition, but it is not mandatory. If the House is not doing its work, we should go ahead and pass our appropriations bills, period.

I mentioned this to Chairman Byrd, and I hope we will do that. The Senate should pass appropriations bills. If the House has not passed them, let us pass them.

The end of the fiscal year is next Monday. I cannot remember any time in my 22 years in the Senate that the Senate has done so little in the appropriations process with 1 week to go in the fiscal year. Shame on the Senate. People can point fingers at the President that he would not give us an extra \$9 billion—really, I think the difference is closer to \$13 billion. Between the Senate Democrats and the President of the United States, I believe it is about \$13 billion. Why don't we pass everything we agree on or take the House figure and then if Senators want to pass another \$9 billion, do that in a supplemental? We could do that.

So we could pass the bulk of the \$759 billion and then for the additional \$9 billion or \$12 billion, that could be put in a supplemental and the President could sign or veto it. At least then we would have done our job and we would be able to have appropriations for the bulk of the Federal Government.

Right now we are not doing anything. We are not functioning. The Senate is becoming dysfunctional. To only pass three appropriations bills at this late stage is very irresponsible, and I do not get any comfort by having fingers pointed at the House or the White

House. The Senate is the one that did not pass the budget, and the Senate has not passed its appropriations bills.

We are an equal branch to the White House. So why don't we do our work? We are an equal division to the House of Representatives. If the House is not doing its work, let's do our work. It goes back to the budget because if we have a budget, we have similar levels to work from, and then, since the House and the Senate are working from the same levels, they have something to go to conference with and come up with suitable compromises.

This should not be this difficult. I am flabbergasted this is our fourth week now on the Interior appropriations bill, a bill that has total spending of about \$18 billion or \$19 billion. The \$18 billion is a very small amount in the total scheme of Federal appropriations, which is more like \$760 billion. It should not take us 4 weeks to do that. If it is going to take us 4 weeks to do the Interior bill, we are never going to finish the larger bills.

If the majority leader wants to have more cloture votes, that is fine, but I think the managers of the bill should come down to the floor and say it is time for us to move on. Let's either vote up or down on the amendments or let's move to table the amendments, finish these appropriations bills, and get our work done as we have the constitutional responsibility to get our work done.

I yield the floor.

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

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

Mr. REID. Mr. President, I am not going to spend a lot of time responding to my friend, the assistant Republican leader. But I say, no matter what you call a filibuster, it is still a filibuster. We are 4 weeks on two bills. Check the history of this body. How often do we spend 4 weeks on a bill? We do not unless there is a filibuster, and that is what we have here. The majority leader, Senator DASCHLE, is trying to stop debate so we can go ahead and finish these bills.

The President has told everybody he wants homeland security, but he sure is acting strangely if he really wants this legislation passed. There is simply nothing to show the President really wants this bill. In fact, what this is showing is that on this issue, Iraq, and anything else he can do to keep away from domestic policy, he is doing it. We have a stumbling, staggering, faltering economy, and we should do something about it.

We have in the dark holes of the other body, these conference committees, legislation that has been held up for months and months. There is ter-

rorism insurance. Important? Of course it is. We have major construction projects—I will bet in Minneapolis and other places in Minnesota and in Las Vegas and other places—that are being held up because we don't have terrorism insurance. Why? They won't let us complete a bill. Election reform—we had another debacle in Florida—still no election reform, held up in conference; bankruptcy reform, held up in conference with the House; Patients' Bill of Rights, held up in conference with the House; generic drugs, held up in the House.

We haven't done our appropriations bills because they will not move them in the House. This is a filibuster. They are doing everything they can to keep away from the fact that the stock market is at its lowest in 6 years. The stock market drop is more than in the time of the Great Depression. There were 2 million unemployed persons in the last 2 years—additional unemployed people. We had a huge surplus, in the trillions of dollars, a year ago at this time. We are now broke.

So this is a filibuster. It is a filibuster. It is a filibuster.

Mr. President, are we on the homeland security bill at this time?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENTS NOS. 4515, 4568, AND 4565

Mr. REID. At this time I ask unanimous consent it be in order to consider the following amendments: No. 4515, No. 4568, and No. 4565.

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

Mr. REID. Mr. President, I ask unanimous consent these amendments be considered and agreed to and the motion to reconsider be laid upon the table.

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

The amendments were agreed to, as follows:

(Purpose: To provide funding for the construction of the Automated Commercial Environment computer system and to ensure the continuation of certain functions of the Customs Service)

Section 131 is amended by adding at the end the following:

(f) CONTINUATION OF CERTAIN FUNCTIONS OF THE CUSTOMS SERVICE.—

(1) IN GENERAL.—

(A) PRESERVATION OF CUSTOMS FUNDS.—Notwithstanding any other provision of this Act, no funds available to the United States Customs Service or collected under paragraphs (1) through (8) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(1) through (8)) may be transferred for use by any other agency or office in the Department.

(B) CUSTOMS AUTOMATION.—Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended—

(i) in paragraph (1), by striking subparagraph (B) and inserting the following:

“(B) amounts deposited into the Customs Commercial and Homeland Security Automation Account under paragraph (5).”;

(ii) in paragraph (4), by striking “(other than the excess fees determined by the Secretary under paragraph (5))”; and

(iii) by striking paragraph (5) and inserting the following:

“(5)(A) There is created within the general fund of the Treasury a separate account that shall be known as the ‘Customs Commercial and Homeland Security Automation Account’. In each of fiscal years 2003, 2004, and 2005 there shall be deposited into the Account from fees collected under subsection (a)(9)(A), \$350,000,000.

“(B) There is authorized to be appropriated from the Customs Commercial and Homeland Security Automation Account for each of fiscal years 2003 through 2005 such amounts as are available in that Account for the development, establishment, and implementation of the Automated Commercial Environment computer system for the processing of merchandise that is entered or released and for other purposes related to the functions of the Department of Homeland Security. Amounts appropriated pursuant to this subparagraph are authorized to remain available until expended.

“(C) In adjusting the fee imposed by subsection (a)(9)(A) for fiscal year 2006, the Secretary of the Treasury shall reduce the amount estimated to be collected in fiscal year 2006 by the amount by which total fees deposited to the Customs Commercial and Homeland Security Automation Account during fiscal years 2003, 2004, and 2005 exceed total appropriations from that Account.”.

(2) **ADVISORY COMMITTEE ON COMMERCIAL OPERATIONS OF THE UNITED STATES CUSTOMS SERVICE.**—Section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203; 19 U.S.C. 2071 note) is amended—

(A) in paragraph (1), by inserting “in consultation with the Secretary of Homeland Security” after “Secretary of the Treasury”;

(B) in paragraph (2)(A), by inserting “in consultation with the Secretary of Homeland Security” after “Secretary of the Treasury”;

(C) in paragraph (3)(A), by inserting “and the Secretary of Homeland Security” after “Secretary of the Treasury”;

(D) in paragraph (4)—
(i) by inserting “and the Under Secretary of Homeland Security for Border and Transportation” after “for Enforcement”; and
(ii) by inserting “jointly” after “shall provide”.

(3) **CONFORMING AMENDMENT.**—Section 311(b) of the Customs Border Security Act of 2002 (Public Law 107–210) is amended by striking paragraph (2).

(Purpose: To provide that the review of transportation security enhancements required by section 170 include motor carriers, motor coaches, pipelines, highways, and hazardous materials transportation)

Strike section 170 and insert the following:
SEC. 170. REVIEW OF TRANSPORTATION SECURITY ENHANCEMENTS.

(a) **REVIEW OF TRANSPORTATION VULNERABILITIES AND FEDERAL TRANSPORTATION SECURITY EFFORTS.**—The Comptroller General shall conduct a detailed, comprehensive study which shall—

(1) review all available intelligence on terrorist threats against aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit facilities and equipment;

(2) review all available information on vulnerabilities of the aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit modes of transportation to terrorist attack; and

(3) review the steps taken by public and private entities since September 11, 2001, to improve aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit security to determine their effectiveness at protecting passengers, freight (including hazardous materials), and transportation infrastructure from terrorist attack.

(b) **REPORT.**—

(1) **CONTENT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress, the Secretary, and the Secretary of Transportation a comprehensive report, without compromising national security, containing—

(A) the findings and conclusions from the reviews conducted under subsection (a); and

(B) proposed steps to improve any deficiencies found in aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit security, including, to the extent possible, the cost of implementing the steps.

(2) **FORMAT.**—The Comptroller General may submit the report in both classified and redacted format if the Comptroller General determines that such action is appropriate or necessary.

(c) **RESPONSE OF THE SECRETARY.**—

(1) **IN GENERAL.**—Not later than 90 days after the date on which the report under this section is submitted to the Secretary, the Secretary shall provide to the President and Congress—

(A) the response of the Department to the recommendations of the report; and

(B) recommendations of the Department to further protect passengers and transportation infrastructure from terrorist attack.

(2) **FORMATS.**—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is necessary or appropriate.

(d) **REPORTS PROVIDED TO COMMITTEES.**—In furnishing the report required by subsection (b), and the Secretary’s response and recommendations under subsection (c), to the Congress, the Comptroller General and the Secretary, respectively, shall ensure that the report, response, and recommendations are transmitted to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, and the House of Representatives Committee on Transportation and Infrastructure.

(Purpose: To make changes to the Office for State and Local Government Coordination)

On page 103, strike line 17 and all that follows through page 112, line 4, and insert the following:

SEC. 137. OFFICE FOR STATE AND LOCAL GOVERNMENT COORDINATION.

(a) **ESTABLISHMENT.**—There is established within the Office of the Secretary the Office for State and Local Government Coordination, to be headed by a director, which shall oversee and coordinate departmental programs for and relationships with State and local governments.

(b) **RESPONSIBILITIES.**—The Office established under subsection (a) shall—

(1) coordinate the activities of the Department relating to State and local government;

(2) assess, and advocate for, the resources needed by State and local government to implement the national strategy for combating terrorism;

(3) provide State and local government with regular information, research, and technical support to assist local efforts at securing the homeland;

(4) develop a process for receiving meaningful input from State and local government to assist the development of the Strategy and other homeland security activities; and

(5) prepare an annual report, that contains—

(A) a description of the State and local priorities in each of the 50 States based on discovered needs of first responder organiza-

tions, including law enforcement agencies, fire and rescue agencies, medical providers, emergency service providers, and relief agencies;

(B) a needs assessment that identifies homeland security functions in which the Federal role is duplicative of the State or local role, and recommendations to decrease or eliminate inefficiencies between the Federal Government and State and local entities;

(C) recommendations to Congress regarding the creation, expansion, or elimination of any program to assist State and local entities to carry out their respective functions under the Department; and

(D) proposals to increase the coordination of Department priorities within each State and between the States.

(c) **HOMELAND SECURITY LIAISON OFFICERS.**—

(1) **DESIGNATION.**—The Secretary shall designate in each State and the District of Columbia not less than 1 employee of the Department to serve as the Homeland Security Liaison Officer in that State or District.

(2) **DUTIES.**—Each Homeland Security Liaison Officer designated under paragraph (1) shall—

(A) provide State and local government officials with regular information, research, and technical support to assist local efforts at securing the homeland;

(B) provide coordination between the Department and State and local first responders, including—

- (i) law enforcement agencies;
- (ii) fire and rescue agencies;
- (iii) medical providers;
- (iv) emergency service providers; and
- (v) relief agencies;

(C) notify the Department of the State and local areas requiring additional information, training, resources, and security;

(D) provide training, information, and education regarding homeland security for State and local entities;

(E) identify homeland security functions in which the Federal role is duplicative of the State or local role, and recommend ways to decrease or eliminate inefficiencies;

(F) assist State and local entities in priority setting based on discovered needs of first responder organizations, including law enforcement agencies, fire and rescue agencies, medical providers, emergency service providers, and relief agencies;

(G) assist the Department to identify and implement State and local homeland security objectives in an efficient and productive manner;

(H) serve as a liaison to the Department in representing State and local priorities and concerns regarding homeland security;

(I) consult with State and local government officials, including emergency managers, to coordinate efforts and avoid duplication; and

(J) coordinate with Homeland Security Liaison Officers in neighboring States to—

- (i) address shared vulnerabilities; and
- (ii) identify opportunities to achieve efficiencies through interstate activities.

(d) **FEDERAL INTERAGENCY COMMITTEE ON FIRST RESPONDERS AND STATE, LOCAL, AND CROSS-JURISDICTIONAL ISSUES.**—

(1) **IN GENERAL.**—There is established an Interagency Committee on First Responders and State, Local, and Cross-jurisdictional Issues (in this section referred to as the “Interagency Committee”, that shall—

(A) ensure coordination, with respect to homeland security functions, among the Federal agencies involved with—

- (i) State, local, and regional governments;
- (ii) State, local, and community-based law enforcement;
- (iii) fire and rescue operations; and

(iv) medical and emergency relief services;
(B) identify community-based law enforcement, fire and rescue, and medical and emergency relief services needs;

(C) recommend new or expanded grant programs to improve community-based law enforcement, fire and rescue, and medical and emergency relief services;

(D) identify ways to streamline the process through which Federal agencies support community-based law enforcement, fire and rescue, and medical and emergency relief services; and

(E) assist in priority setting based on discovered needs.

(2) MEMBERSHIP.—The Interagency Committee shall be composed of—

(A) a representative of the Office for State and Local Government Coordination;

(B) a representative of the Health Resources and Services Administration of the Department of Health and Human Services;

(C) a representative of the Centers for Disease Control and Prevention of the Department of Health and Human Services;

(D) a representative of the Federal Emergency Management Agency of the Department;

(E) a representative of the United States Coast Guard of the Department;

(F) a representative of the Department of Defense;

(G) a representative of the Office of Domestic Preparedness of the Department;

(H) a representative of the Directorate of Immigration Affairs of the Department;

(I) a representative of the Transportation Security Agency of the Department;

(J) a representative of the Federal Bureau of Investigation of the Department of Justice; and

(K) representatives of any other Federal agency identified by the President as having a significant role in the purposes of the Interagency Committee.

(3) ADMINISTRATION.—The Department shall provide administrative support to the Interagency Committee and the Advisory Council, which shall include—

(A) scheduling meetings;

(B) preparing agenda;

(C) maintaining minutes and records;

(D) producing reports; and

(E) reimbursing Advisory Council members.

(4) LEADERSHIP.—The members of the Interagency Committee shall select annually a chairperson.

(5) MEETINGS.—The Interagency Committee shall meet—

(A) at the call of the Secretary; or

(B) not less frequently than once every 3 months.

(e) ADVISORY COUNCIL FOR THE INTERAGENCY COMMITTEE.—

(1) ESTABLISHMENT.—There is established an Advisory Council for the Interagency Committee (in this section referred to as the "Advisory Council").

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Advisory Council shall be composed of not more than 13 members, selected by the Interagency Committee.

(B) DUTIES.—The Advisory Council shall—

(i) develop a plan to disseminate information on first response best practices;

(ii) identify and educate the Secretary on the latest technological advances in the field of first response;

(iii) identify probable emerging threats to first responders;

(iv) identify needed improvements to first response techniques and training;

(v) identify efficient means of communication and coordination between first responders and Federal, State, and local officials;

(vi) identify areas in which the Department can assist first responders; and

(vii) evaluate the adequacy and timeliness of resources being made available to local first responders.

(C) REPRESENTATION.—The Interagency Committee shall ensure that the membership of the Advisory Council represents—

(i) the law enforcement community;

(ii) fire and rescue organizations;

(iii) medical and emergency relief services; and

(iv) both urban and rural communities.

(3) CHAIRPERSON.—The Advisory Council shall select annually a chairperson from among its members.

(4) COMPENSATION OF MEMBERS.—The members of the Advisory Council shall serve without compensation, but shall be eligible for reimbursement of necessary expenses connected with their service to the Advisory Council.

(5) MEETINGS.—The Advisory Council shall meet with the Interagency Committee not less frequently than once every 3 months.

Mr. REID. Mr. President, I would say to all those within the sound of my voice, this action has been cleared by both Senators THOMPSON and LIEBERMAN, the two managers of this bill.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent we proceed to a period of morning business with Senators permitted to speak therein for not to exceed 10 minutes each.

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

U.S. MILITARY CONSTRUCTION IN EUROPE

Mrs. FEINSTEIN. Mr. President, as chair of the Military Construction Appropriations Subcommittee, I have the opportunity and responsibility to take a close look at our military's construction needs throughout the world.

During our August recess, I chose to take a closer look at an initiative recently implemented by the Army in Europe called "Efficient Basing". This initiative is a two part process that will streamline the Army's infrastructure needs in Germany and in Italy.

The plan will direct much needed funds to consolidate U.S. bases throughout Germany, and better position an airborne battalion south of the Alps in Vicenza, Italy to more quickly respond to the possibility of crisis in the Transcaucasus, the Balkans, the Middle East and Africa.

Although the costs for this initiative could total nearly \$1 billion when complete, there is little doubt that it will both dramatically reduce the long term costs of basing our forces in Western Europe and provide better strategic positioning for regional conflicts and the global war on terrorism.

This aptly named "Efficient Basing" initiative is being guided by the U.S. Army's European Commander in Chief, Gen. Montgomery Meigs. General Meigs invited me to Europe to take a closer look at the work in progress and allow him the opportunity to justify

the costs associated with the program. As a result, I went to Camp Ederle, in Vicenza, Italy, and was able to see first hand the real efficiency of this tremendously large task and recognize the actual savings to be gained.

I would like to take a few minutes to recognize the degree of dedication and service to our country that is often overlooked.

Whether fighting a war, or carrying out the daily administrative tasks necessary to provide protection for America at home and abroad, our military commanders and the soldiers within their command display a level of dedication, efficiency, and selflessness that is awe inspiring.

We ask a lot of our soldiers, sailors, Marines and airmen. And, without question, they are up to the task, whatever it might be.

Let me give just a couple of examples: In his nearly 35 years of military service, General Meigs and his wife, Mary-Ann have moved their family 24 times. That's not just soldier dedication, that's family dedication—all for the sake of our freedom. This sacrifice is recognized throughout the world, not only by Americans, but by our allies and partners as well.

In the wake of September 11, a strangely surprising and caring act took place on the part of our Italian allies. In less than 24 hours, the Carabinieri—Italian police—in a show of force protection, came out in large numbers to surround our Vicenza base, Camp Ederle.

The base didn't solicit their presence. It was given voluntarily.

Acts like this do not just happen—they take time and the creation of a rapport built on admiration and years of interaction with our commanders and soldiers. The actions of the Carabinieri was, in part, a response to a lasting friendship—a friendship forged by men like MG Robert Wagner, the Southern European Task Force, SETAF, Commander.

General Wagner, a shining example for all to follow, is one hundred percent engaged with the leaders of the community—the mayor, the director of the Carabinieri, and businesses leaders throughout northern Italy.

The relationships and mutual admiration did not just happen by virtue of his position. It was developed over time, by him and by his predecessors, who hosted dinners and got to know these leaders and their needs, as well as expressing his concerns for our soldiers and the community in which they live and work.

The relationship between General Wagner and the community is priceless, but the care and concern he expresses for his soldiers is even more evident.

I was pleasantly amazed by the spontaneously unsolicited comments by persons like the local base librarian, who takes pride in his facilities and the services that he is able to provide to