

infrastructure protection, which is reduced by \$187 million. We reduced it by adding up all the various specific amounts that were asked for in the specific programs, and this was an overage after that. Second, science and technology, research and development, where we went with the President's commitment of \$803 million, rather than the committee number of \$866 million. Our high-needs areas need help. This will do it without breaking the budget by one nickel.

It does rearrange the priorities some, but it is the priorities we think are fair. We are trying to accommodate many colleagues on the other side who wished for an offset. This seems to be the right one. I reiterate, our high-needs areas, wherever they may be, or high-threat areas, need more help than they are given in the bill. The bill goes down from the amount we did last year, despite promises by all that it would go up. We don't break the budget, and we don't take it from small States.

I urge support for this amendment, and I yield the floor as we approach the time of 3:40.

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HONORING THE COURAGE AND SACRIFICE OF OFFICER J.J. CHESTNUT AND DETECTIVE JOHN GIBSON ON THE FIFTH ANNIVERSARY OF THEIR DEATHS

The PRESIDING OFFICER. Under the previous order, the hour of 3:40 p.m. having arrived, the Senate will observe a moment of silence in honor of Capitol Police Officers Jacob Chestnut and John Gibson.

(Moment of Silence.)

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, 5 years ago on this day, Officers J.J. Chestnut and John Gibson were killed in the line of duty defending the United States Capitol.

At 3:40 p.m. on Friday afternoon, July 24th, 1998, a deranged gunman burst through what is now called the Memorial Door and shot Officer Chestnut in the head. The gunman then moved to the first floor where he attempted to enter the majority whip's office. There, he met Officer Gibson who blocked the intruder and opened fire. A gun battle ensued and Officer Gibson was fatally shot.

Officers Chestnut and Gibson lost their lives that day for us, for this Capitol, for the United States of America.

Officer Chestnut, a father of five, was only months away from retirement. His sister-in-law said that J.J. was "the most wonderful man you would ever meet . . . He just wanted to enjoy his garden and enjoy his children." A Vietnam vet, Officer Chestnut spent 20 years in the Air Force before serving 18 years as a Capitol Police Officer. He was recognized by all of his colleagues as a dedicated, kind, and good man.

John Gibson, also an 18-year veteran on the Capitol force, was a father of three. He was described by friends as generous and God-fearing. Only a few

days before the shooting, he told one of his colleagues that he had never had to use his weapon, but if he did, he would be focused, and concentrate on the task at hand. Little did he know how soon he would be tested, and how valiantly he would perform in our service, in the Nation's service.

Officers Chestnut and Gibson will always be remembered for their personal and professional integrity, their bravery, and their sacrifice. We honor them today with a brief moment of silence.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. The poet Archibald MacLeish was an ambulance driver in World War I. Years later, in a poem about soldiers lost in battle, he wrote:

The young dead soldiers do not speak.  
Nevertheless, they are heard in the still houses.

Who has not heard them?

They have a silence that speaks for them at night and when the clock strikes.

It is right, and it is important, that we stop every year at this moment to remember in silence the courage and sacrifice of Officer J.J. Chestnut and Detective John Gibson.

But it is not only at this moment, on this day, that we remember these fallen heroes.

We remember Officer J.J. Chestnut and Detective John Gibson every time we pass the Memorial Door and see that bronze plaque that bears their likenesses.

We remember them whenever we see Capitol Police officers working double shifts to protect us.

We remembered them yesterday, when we heard the awful news about the shooting at New York City Hall.

Like the young soldiers in the poem, 5 years after that terrible Friday afternoon, J.J. Chestnut and John Gibson are still heard in this house—the people's House.

We hear them in the conversations, the questions and the laughter of the schoolchildren and scout troops and all the others who visit this Capitol.

Five years ago, we probably did not understand fully the risks the Capitol Police take every day when they put on their badges and come to work, but Officer Chestnut and Detective Gibson understood.

They knowingly risked their lives because they loved this building and what it represents, and they wanted others to be able to see their Government at work.

We are not as innocent now as we were then. September 11 and the anthrax attacks made us all more aware that there are those who want to see the people's House closed, even destroyed.

The fact that this Capitol remains open—that visitors can still walk these majestic halls and sit in these galleries—is a powerful symbol of America's commitment to democracy. It is a testimony to the skill and courage of the Capitol Police. And it is a daily, living tribute to Officer Chestnut and Detective Gibson.

Today is a sad day for the members of the Capitol family, but it is not just

with sadness that we remember our two fallen heroes.

We also remember how much we liked and respected them. We remember how much J.J. Chestnut loved his garden, and how crazy John Gibson was about his Red Sox. We remember how proud they were of their work, and how deeply they both loved their families.

Our hearts, and our prayers, go out today to their brothers and sisters in arms, the members of the Capitol Police, to the many friends they left behind, and especially, to their widows and children and, in Officer Chestnut's case, his grandchildren.

We think of them often, as well. Their sacrifices, too, will never be forgotten.

Officer J.J. Chestnut and Detective John Gibson gave their lives to protect something that is sacred to all of us. In doing so, they surely saved the lives of countless others. They are heroes.

Five years later, we remain in awe of their courage and sacrifice. And we are grateful to them beyond words.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

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 call be rescinded.

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

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DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1370

Mr. STEVENS. I am bothered by the offset on this amendment. In the 2003 bill, we provided \$850 million to high-threat urban grants. This bill already contains another \$750 million for high-threat urban grants. That is a total of \$1.6 billion for high-threat urban grants.

Every community in the country is affected by the alert system. Every community in the country faces increased costs. These megalopolises of the country, the large urban areas, are demanding that everybody pay more for them, but the smaller cities, the smaller counties, the smaller areas, have the same problem. On a per capita basis, it is a higher cost to provide protection to small areas than the high-threat urban areas.

I do not know why we should have New York City and Philadelphia, in particular. They are the ones seeking this money. There is no question there is a need. But there is a need in Peoria. There is a need in Cincinnati. There is a need in Tucson. There is a need in New Orleans.

The money they have taken for this is money that deals with homeland security nationally. One of the offsets

takes moneys from the small universities in the country. We had letters from many Senators asking for money to assist in terms of research, the research base of the country dealing with homeland security problems. We ought to take a second look at what we are doing.

We created this Department of Homeland Security 8 months ago. They already have in this bill and the bill we already enacted \$1.6 billion more than the rest of the country. Why should this happen now that we have an offset against two of the most important accounts in Homeland Security? I hope we can talk a little bit more about that before we vote.

I will object to a time agreement until people understand what we are doing. Part of this money is from information analysis and infrastructure protection. It is a directorate, as they call it, in the new Department of Homeland Security. This will limit the intelligence warning and threat analysis functions of the Department we have just created. These are just being set up. This is for the 2004 costs of the Department we have just set up. Why should we take money from that? These are assessments of critical infrastructure, including chemical facilities, drinking water supply systems, arenas and stadiums, our Nation's seaports. This is the money being offset. Do Members with seaports want to put this money into an account that already has \$1.6 billion? We ought to stop and think about this.

It would also be offset against the national communication system, as I understand. I will have to study this more deeply. The priority telecommunications programs could not be implemented. We have been interested in a national alert system. In the past, the national alert system went over the radio. Now, few people listen to the radio. They are on cell phones, they are on computers, they watch the television, cable. We are trying to get a national alert system. This offset goes against that study, how to put back into place a national alert system so the Nation will know, an area will know, if there is an extreme threat about which everyone should know.

I understand the Senators from New York and Pennsylvania are trying to increase the amount of money available to their high-threat urban areas. I have a high-threat urban area in Anchorage, too, but we do not have as large a population and we do not have the \$1.6 billion either.

The Senate ought to think seriously about what we are doing. I intend to speak further if I can find additional information regarding the exact money that will be displaced by this amendment. The total amount of money here is too much, too soon. We ought to think about what we are doing. I hope others will come forward and take a look at what we are doing.

For those who sent letters asking for money in these areas, particularly in

the national intelligence systems and threat analysis, in the areas of chemical facilities, drinking water supplies, utility protection, transportation protection, protection of bridges, this is what the money is. Why should that go to New York and Pennsylvania because they have a problem? Everyone else has, but they have a lot more people. On a per capita basis, we have already given them more money. To give them this additional \$250 million is going too far.

I hope the Senate will listen and not adopt this amendment.

I will return with greater details in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, we are listening to quite a tirade against giving money to the high-threat areas. The question is raised, Why? When you go to a hospital and you have a sick patient, someone who is really in trouble, he or she will be among the first to receive the medication. That is the situation about which we are talking.

We lost 3,000 people on September 11, 2001 most of them in New York. This is the focal point for economic activity—probably the most important financial center in the entire world. We look at the cities of Philadelphia and New York and there is New Jersey, right in the middle, with lots of commuters. We lost 700 innocent citizens on that day.

We have \$29 billion going into homeland security but we need more. I know where to take it from: Take it from the huge tax cut that was given to those who do not need it.

For goodness' sake, the first round of emergency response grants had New Jersey and New York among the least compensated on a per capita basis. Our populations are squeezed together. New Jersey has the highest population density of all the States in the country. We have all kinds of important facilities, beside harbors and the financial center, that affect the way our country functions.

To say, you got enough money, that's just not right. I repeat: when the Department of Homeland Security gave out the first round of grants, New Jersey and New York were among the States most poorly treated on a per capita basis and yet our two States paid the biggest price on 9-11 when it comes to what constitutes a terrorist threat.

We may be threatened here with repercussions because we want money for the ports, we want money for transportation, or otherwise. Threaten all you want, but you cannot idly threaten the citizens of New York and New Jersey and Pennsylvania and other high-threat urban areas, walk away, and say: You got enough money.

I hope everyone is listening. What we need to do is recognize our areas of susceptibility and help those areas first. When it comes to toxic air or toxic

water, we distribute the funds based on where the problem exists, where there are Superfund sites, and we try to give those areas more money so they can fix their problems.

The whole country wept on September 11, 2001. Everyone was weeping. And they all felt susceptible. But some know, many know, there are areas that are more susceptible than others. Those places are Pennsylvania, New Jersey, New York, and other high-density urban areas.

Mr. SCHUMER. Will the Senator yield?

Mr. LAUTENBERG. I yield.

Mr. SCHUMER. I know my colleague is aware the high-threat areas were not just New York, New Jersey, and Pennsylvania when the last round of money was given out. I know my colleague is aware that 30 cities got special money because the cities had special needs, including Boston, Denver, Philadelphia, Miami, Detroit, Newark, San Diego, Phoenix, Baltimore, Dallas, Buffalo, St. Louis, Kansas City, Cincinnati, Sacramento, Honolulu, Pittsburgh, Long Beach, New Orleans, Memphis, Cleveland, Tampa, Seattle, New York, Washington, Chicago, Houston, Los Angeles, and San Francisco. The high-needs areas are not simply in three States, they are in special areas.

I ask my colleague two questions. Was he aware that 30 cities got this money? And this year we are putting less money into high needs than last year.

Mr. LAUTENBERG. I was not aware of the specifics. I just know that in the areas already hit very hard—New York, New Jersey—a very serious threat remains. There are port facilities that are not protected at all. There are rail facilities. There are all kinds of things that could be destroyed or disrupted in a flash with the right kind of weapon or terrorist plan.

Whoever thought the Trade Center would come down—110 stories, just crash to the ground, melted into nothingness? No.

Mr. SCHUMER. Will my colleague yield for another question?

Mr. LAUTENBERG. I sure will.

Mr. SCHUMER. Our good friend from Alaska said we have needs on a per capita basis. But is my colleague aware that on a per capita basis the high-need States get less money? It is not the same. This is not evenly distributed on a per capita basis, because the formula here has .75 for every State—much higher.

I believe in helping all the States but this is higher than we have ever seen in a formula distributing money to every State. As a result, a State such as Wyoming or Alaska, for instance, would get far more money on a per capita basis—

Mr. STEVENS. Will the Senator yield?

Mr. SCHUMER. It is the time of the Senator from New Jersey.

Mr. STEVENS. I ask for the floor.

Mr. SCHUMER. Who has the floor, Mr. President?

Mr. LAUTENBERG. I have the floor. The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. SCHUMER. On a per capita basis than even a larger, high-threat State. Is my colleague aware of that?

Mr. LAUTENBERG. I am absolutely aware of that. That is why I am surprised when I hear the distinguished Senator from Alaska, who knows this place better than anybody, who knows how desperately grants are sought and fought for, as he has so many times for his own State of Alaska, as he should, and how many times he has been successful, and how many times grants have been given to Alaska because his constituents needed the help.

But what goes around comes around, as they say. Now its New Jersey and New York that need that kind of help and we shouldn't be turned away.

With regard to the offsets for this amendment, I would prefer that we not take the money from communications and from science and technology. I would submit that there are other offsets, including the one I suggested a moment ago—one I would be most willing to forego—and that is the tax break that has come along. Take some of that money, the hundreds of millions of dollars that are involved, the billions of dollars over the next several year years, and put that money back where it belongs, to protect our society.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I hope the distinguished Senator from New Jersey will reserve the word "tirade" with reference to me. I might have a tirade sometime on the floor. I have not so far. And it will not be because of an amendment like this.

But I call the Senate's attention to pages 58 and 59 in the committee report. I will state to the Senator from New York that he is in error. The .7 applies to the basic grants; it does not apply to this program at all. The .7 does not apply to this concept we are talking about now, nor the money to which he is referring.

If you look at page 58, it shows the committee recommendations for the information analysis and infrastructure protection system. It is a national system.

I call your attention to page 59:

The General Accounting Office has reported that chemical facilities present an attractive target for terrorist activity. The Congressional Budget Office estimates that it would cost \$80,000,000 over 5 years for vulnerability assessments at nearly 15,000 chemical facilities across the United States. Therefore, the Committee [is directing this money to be spent for that.]

We make a direct request for a report on the matter. The systems we are dealing with here are systems that deal with the Nation. But, in particular, it is:

... the creation of the National Cyber Security Division within Information Analysis and Infrastructure Protection and rec-

ommends \$32,800,000 for the integration of physical and cyber infrastructure monitoring and coordination from the funds made available for information and warning advisories, and \$65,700,000 for cyberspace security from the funds made available for remediation and protective actions.

We expect to move into this whole concept of critical infrastructure protection. That needs:

... key asset identification, field assessments of critical infrastructures, and key asset protection implementation to help guide the development of protective measures to harden facilities and assets.

It is a national program from which this money is being taken. The inference here is this is surplus money. This is not enough. We don't have enough for this system. We don't have enough money for what the Senators from Pennsylvania and New York want. But the point is, some of this protection starts at home. Some of it starts at home. Some basic concept of protection is the responsibility of every government in the United States. But the one responsibility we have here is the national system of identification of those facilities and assets that are critical, and also the establishment of a national alert system. This money is not enough for either one. But the Senators from New York and Pennsylvania want to take \$250 million from a fund that is already insufficient, based upon the General Accounting Office report.

I do hope Senators will take a look at how this money is allocated:

Intelligence and Warning; Threat determination and assessment, Information and warning advisories, Protecting Critical Infrastructure and Key Assets: Infrastructure vulnerability and risk assessment, Remediation and protective actions, National Communication System.

That gets the bulk of it, the national communication system, finding some way to put an alert system back in place that will notify everybody if there is a national disaster. That does not exist any longer. It did, back in the days, as I said, when we all relied on radio. That got tested once a week, in fact, or once a month—whatever it was. But how long has it been since you had a test on a system? There is no test possible coming through cell phones, through computers, through the cable systems, through the satellite systems. They are not coordinated at all. We need a national system of alert and this is going to go toward that, starting it up.

The bulk of the money that they are taking is in protecting critical infrastructure and key assets. That is where \$95 million is for the infrastructure vulnerability and risk assessment; \$383.9 million for remediation for protective actions nationally. This is protecting the ports of New Jersey, of New York, of California, Florida, and even Alaska. But identifying the need for protection.

Why take that money out when we are just setting up the Department of Homeland Security and this is the basic money we need now? We need it now.

The Senators from New York and Pennsylvania want money to be there in case they need it if there is another national alert. There may not be one. But there is a need for this. The General Accounting Office insists the No. 1 responsibility of Congress is to deal with the vulnerability assessments of 15,000 chemical facilities and other similar assets around the country. Chemical facilities in particular, and the costs associated with protecting those chemical facilities, are essential to this homeland security.

I urge the Senate not to take this action. It will also go into the Science and Technology Directorate, taking money from the research and development capabilities of the entire Department of Homeland Security. The reduction would severely limit the university-based centers program.

As I said before, nearly every Senator has made a request. I have the list here, by the way. Here it is. These pages, 1, 2, 3, 4, 5—6 pages, single spaced, from Senators addressing this one particular account.

Senators, if you ask for this money and you expect to get it—we have not earmarked any money; isn't that correct?

Mr. COCHRAN. That is right.

Mr. STEVENS. There is no money earmarked. But money, as much as we could possibly put, is in the discretionary fund—and I think almost every Senator has asked for money in this area: Vulnerability protection, disaster assistance programs, homeland security initiative at the University of Washington, University of Nebraska. Maybe I should read them all, when we look at it: College of William and Mary, George Mason, VMI, Utah, LSU, Wichita, Montana State, Colorado, University of Delaware, Brown University, University of Rhode Island, University of Georgia, University of New York, SUNI Maritime College.

I could go on and on. Almost every college that has a capability of being involved in this assessment and determination of how to protect these facilities has asked to get involved. We could not do that. So we set up a fund and the Department will determine how many of these universities can lock together and give us the assessment that the General Accounting Office says is absolutely essential.

If you take the money for something that might happen, how are you going to know when it does happen?

This is the beginning of the homeland security assessment of threats and establishing an alert system. This amendment takes from both. I think that is absolutely wrong. I hope we will get other people to comment on this amendment. I understand the need. There is overwhelming need throughout the country for homeland security money.

I congratulate the chairman of the subcommittee, the distinguished Senator from Mississippi, for what he has done, along with his staff. They have

allocated it in a way that is really fair. These other amendments so far have been to add money beyond what we have available. This is taking money that has already been assigned by the committee and the subcommittee to a specific account and putting it in another account and saying it was short-changed. But there is already money in that account. The account they are adding to already has in this bill \$750 million. It had \$850 million in the bill we passed earlier this year. That is enough. Compared to the rest of the demands in this country, that is enough for that fund.

I urge the Senate to disapprove this amendment.

Mr. COCHRAN. Mr. President, I thank the Senator from Alaska for his comments. He has put this matter in perspective. We appreciate his comments and his statements about the effect of this amendment on those parts of the bill that will have funds transferred from them to this so-called high-threat urban area account.

When we started talking about this bill yesterday, we had Senator after Senator talking about adding money for new technologies and making sure that we develop and deploy new kinds of the most modern defensive systems we can have to defeat and detect terrorist attacks and to make our country share in security. One of those was an antimissile system for commercial aircraft. You may remember Senator BOXER was on the floor talking about immediately putting those capabilities in the domestic commercial airline industry. We have funds in the bill to do just that. But guess what. This amendment cuts those funds. This amendment would take money away from the antimissile defense capability fund where we are developing and will deploy the capability as soon as it is ready.

Funds for universities throughout the country that are now eligible for grants for research into new technologies which will improve our capability to defend ourselves across a wide range of areas that we need to explore, develop, and deploy will be undermined by this amendment. The funds will be cut if this amendment is agreed to.

We have had Members offering amendments for money for chemical industry infrastructure protection—special money going to the chemical industry. The money we have in this bill now for the chemical industry will be cut if this amendment is agreed to.

The last vote we took on this was on the subject of waiving the Budget Act. Some Senators came up, and I heard them say, You are going to need 60 votes. They will need 60 votes to prevail to waive the Budget Act. So my vote really won't matter, since you already have 40 votes to defeat this. I can vote for the amendment to add money, since it won't come from any other account.

Some other Senators were concerned because we were going to violate the

Budget Act. I heard some Senators say, If you could find an offset, I would vote for your amendment. Now we have an offset, and Senators are going to have to take a new look at this.

This is not an automatic decision that can be made. But to think about its effect on those accounts and those activities which are going to be cut by this amendment, these are real cuts that are going to be made.

I hope Senators will look carefully and balance their judgment against the need to add money for this account that is now in the \$750 million area.

Think about this: We also put \$750 million into this account when we passed the supplemental just a few weeks ago. We passed a supplemental for the remainder of this fiscal year and added \$750 million for these same urban areas for which they now want to increase money. To me, that is not fair. That is not fair.

People throughout the country have an equal interest. Whether you are in an urban area or a rural area, you have an equal interest in this being a balanced bill that treats all areas of the country the same in terms of the quality of the response we are going to make in our individual communities. You can't just channel the money to the big cities and expect it is going to solve our national problem. This is not a problem just for the big cities to solve. It is a problem for our country to solve. It is a national problem. It is not just a Federal Government problem. Every town and every city and every State ought to be able to share equally and fairly in the funds that are made available in this bill. If this amendment is agreed to, the fairness doctrine will go out the window.

I urge Members to vote against this amendment.

Mr. SPECTER. Mr. President, at the outset, I agree with the distinguished Senator from Alaska. His presentation was not a tirade. For those of us who have heard the Senator from Alaska speak on many occasions, there was nowhere near a tirade from the Senator from Alaska. That was a reasoned analysis of the substitution of funds.

When the distinguished Senator from Mississippi, the chairman of the subcommittee, presents his argument, it has great weight. The subcommittee has very carefully considered the allocations. But this amendment seeks to make a rather modest change. We have here a \$29 billion appropriations bill.

When you talk about high-risk areas, it is my view that \$1 billion is a minimum. The figure might realistically be appraised for much more than \$1 billion.

It is true that during the course of the last vote there were many Senators in the well who voted against waiving the Budget Act and who said had there been an offset they would be favorably disposed. That is not a *carte blanche* commitment. It depends upon what the offset is.

We are talking about two accounts. The information analysis, infrastruc-

ture protection, operating expenses still has a very considerable sum of money, \$636.340 million. The science and technology research, development, acquisition and operations, where we have taken \$62.640 million, still has more than \$800 million.

What we are looking at here really is an analysis of what the highest risk area is.

Again, I come back to the activities of President Bush today. Where was President Bush today? He made a trip to Philadelphia. In Philadelphia, he went to the airport, which is high risk. Then he was on a long bridge which spans the Schuylkill River, which is high risk. Then he went along a highway again where there is very heavy congestion and high risk. Then he was at the seaport, again an area which is high risk. It is a matter of making an analysis.

I have great respect for what the Senator from Mississippi has done on this subcommittee. Perhaps the total figure of \$29 billion is not sufficient. Perhaps it ought to be slightly more—not to take an offset from these two accounts.

But I supported the Senator from Mississippi on every one of his tabling motions. Other Senators have offered much greater amendments, one in the range of \$1.8 billion. It is true that on one of the motions to table by the Senator from Mississippi on firefighters, I deviated on a motion to waive the Budget Act, which was nowhere near successful because of giving a little spiritual support to the firefighters who I think have done such an outstanding job. But I believe a careful analysis of the \$250 million for high-risk areas contrasted with the funds that would have been taken from these other accounts which are still very well funded is appropriate.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, before we vote on this amendment, I am reminded that attacks have been thwarted in three locations. And if attacks have been thwarted, that suggests there is a certain risk attached to those locations. One is the World Trade Center, another is LAX Airport, and the third is the Space Needle in Seattle. As far as I know, there were no attacks threatened in Wyoming and many other places around the country. So when we look at this issue, I think we ought to get focused.

First of all, Secretary Ridge is the arbiter of the discretionary fund. He is the expert. He gives out this additional money. We, the Senate—Democrats and Republicans—nominated him to make these decisions. If the nondiscretionary part of the budget runs about \$28 billion, I don't know that these particular accounts are the places where we have to go to get the funding. And we can ask Secretary Ridge to be aware that we are most

concerned because of the high-risk nature of the New York/New Jersey region.

I hope in this case we will take seriously what we talk about so much: That we cannot be secure, no matter how good we are in Afghanistan, no matter how good we are in Iraq—and we have been terrific. Our people have fought valiantly. They have done what is asked of them. There are not enough of them. And when someone suggested there were not enough of them, such as General Shinseki, he was kind of kicked out of the Corps.

So we have to look at this and ask, what constitutes security? It is not having enough bombs and planes. It is making sure that bombs and planes don't come our way, don't come to our soil.

You may have heard the prediction that was leveled by the former Secretary of Defense when he said, within a decade, if things go along as they are, we could be looking at a nuclear explosion on American soil.

I think we ought to step up to the idea and express our interest in preventing any kind of a terrorist attack. We have had a couple, and they were devastating, not only to the lives and families who were hurt but to the morale of this country.

I think we ought to say: Look, these are areas that are constantly under concern for a terrorist attack. Let's put the money there to make sure we are taking special care of them, just as we would a patient who is especially sick and we have a limited amount of medication. We give it to that patient, not to those who might get sick.

That is the situation we face. I hope we will get enough support to carry this through. The message is important. And I leave it to Secretary Ridge to deal with his discretionary responsibility to allocate the funds.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I know of no Senators who want to speak on this issue who have not already spoken. I think we are ready for the vote. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 1370.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Minnesota (Mr. DAYTON) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea."

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

The result was announced—yeas 48, nays 48, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—48

Akaka	Durbin	Lincoln
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Boxer	Graham (FL)	Nelson (NE)
Breaux	Harkin	Pryor
Byrd	Hollings	Reed
Cantwell	Inouye	Reid
Carper	Jeffords	Rockefeller
Clinton	Johnson	Santorum
Coleman	Kennedy	Sarbanes
Conrad	Kohl	Schumer
Corzine	Landrieu	Specter
Daschle	Lautenberg	Stabenow
Dodd	Leahy	Voinovich
Dorgan	Levin	Wyden

NAYS—48

Alexander	Crapo	Lugar
Allard	DeWine	McCain
Allen	Dole	McConnell
Bennett	Domenici	Miller
Bingaman	Ensign	Murkowski
Bond	Enzi	Nickles
Brownback	Frist	Roberts
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Campbell	Gregg	Smith
Chafee	Hagel	Snowe
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Warner

NOT VOTING—4

Dayton	Kerry
Edwards	Lieberman

The amendment (No. 1370) was rejected.

Mr. FRIST. Mr. President, 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.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. I have spoken to the two managers. The next amendment that we will offer will be the Reed of Rhode Island amendment. The Senator from Rhode Island has agreed to 30 minutes on his side. Following that amendment, Senator BYRD wishes to offer an amendment. Following the debating on those two amendments, I ask that there be a vote on those two amendments with Senator BYRD's vote coming first and the vote on Senator REED coming next. Those votes would be on or in relation to those two amendments with no second-degree amendments in order.

Mr. COCHRAN. I ask unanimous consent that be the order.

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

Mr. REID. Mr. President, I ask that the unanimous consent agreement be amended to allow the Senator from Mississippi whatever time he shall consume in opposition to the Reed amendment.

Mr. COCHRAN. I agree to that amendment, and I thank the Senator from Nevada.

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

The Senator from Rhode Island.

AMENDMENT NO. 1372

Mr. REED. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself and Mr. SARBANES, proposes an amendment numbered 1372.

Mr. REED. 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 appropriate \$100,000,000 for grants to public transit agencies to enhance public transportation security against terrorist threats)

On page 49, between lines 7 and 8, insert the following:

TRANSIT SECURITY

For necessary expenses of the Transportation Security Administration related to land transportation security services pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note) and for other purposes, \$100,000,000, to remain available until December 31, 2004, which shall be available for grants to public transit agencies for enhancing the security of transit facilities against chemical, biological and other terrorist threats: *Provided*, That the Secretary of Homeland Security shall make such grants pursuant to threat assessments previously conducted by the Transportation Security Administration and the Federal Transit Administration: *Provided further*, That the Secretary of Homeland Security and the Secretary of Transportation shall enter into a memorandum of understanding regarding transit security. *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that includes—

(1) the amount of funds appropriated to the Transportation Security Administration (TSA) that have been allocated for activities designed to improve public transportation security;

(2) the number of full-time TSA personnel engaged in activities designed to improve public transportation security;

(3) the strategic plan of the TSA for improving the security of our Nation's public transportation systems; and

(4) recommendations from the TSA for any policy changes needed to ensure that the TSA, in coordination with other agencies within the Department of Homeland Security, will effectively improve public transportation security for our Nation's transit riders.

Mr. REED. Mr. President, earlier this week, the Senate debated a comprehensive amendment by Senator BYRD with respect to deficiencies in this bill regarding resources for homeland security. Essentially, what Senator BYRD was trying to do was to match the resources we need with the rhetoric we have heard about protecting the homeland of the United States.

I am disappointed Senator BYRD's amendment did not prevail. Within

that amendment, there were resources devoted to transit security. Today, I offer an amendment on behalf of myself and Senator SARBANES to address what I think is an amazing and unacceptable lack of resources and investment for securing and protecting our Nation's trains, buses, and ferries. Indeed, these vehicles and these transportation modes provide transportation for millions of Americans each day, and they require protection.

I want to be clear. This is not the fault of the committee, and certainly not the fault of the chairman who has done an extraordinary job in securing an additional \$1 billion for the subcommittee's allocation. But the fact is that the administration has not asked for sufficient resources to protect the transit systems in the United States. Again, this is why, together with Senator SARBANES, I am offering this amendment to add \$100 million for the protection of our public transit systems.

Each day, millions of Americans, old and young, rich and poor, every kind of American, board a bus or a train to go to work, school, or a doctor's appointment. Each year the Federal Government spends billions of dollars to build and maintain these systems. Yet to date, shockingly, the Federal Government has only invested below \$90 million in fiscal years 2002 and 2003 for transit security if we exclude the very special circumstances of rebuilding transit systems that were attacked and severely damaged during the September 11 attack.

We have recognized the need to protect our airlines and we have spent billions of dollars to do so, but there is the same compelling need to protect the transit systems of the United States.

There are two major reasons we must protect these transit systems: First, we want to avoid, preempt, and prevent, a terrorist event involving a transit system; second, we need transit systems that have interoperable communications, trained personnel, and additional equipment to mitigate the consequences of any type of terrorist event in the United States.

It is quite clear transit systems are a target of terrorists. According to a report in 1994 by John P. Sullivan and Henry I. DeGeneste: "Transit systems are attractive targets for a number of reasons. They carry large numbers of people within concentrated, predictable areas and timeframes. They are accessible since they provide easy user access. Finally, their target-rich infrastructure which often covers extensive geographic areas frequently renders countermeasures impractical."

So we know this. Indeed, the Federal Transit Administration knows it. To their credit, they have taken meager resources to provide transit assessment assistance to any transit system that is required or requested. They have been able to advise these transit systems. But advice is not dollars. Advice

does not build or buy equipment that will protect commuters in our transit systems.

We already know transit systems are a target, in many cases targets of choice. The Mineta Institute indicates that between 1997 to 2000 there were 195 terrorist attacks against transit systems worldwide. Most of these attacks were against buses. I should point out, 90 percent of these attacks occurred against buses. In the Middle East, we have seen the horrific pictures of buses blown up by suicide bombers. No one wants to see such pictures in the United States.

Of course, the most horrific example of a terrorist attack against transit was the 1995 sarin gas attack in Japan where 11 people were killed and 5,500 innocent people were injured due to the work of a small band of crazed individuals.

We understand there is a great potential for terror attacks against transit systems. Given the increasing danger of proliferation of weapons of mass destruction, these transit attacks could be horrific in the future.

I also mention that not only do we need to avoid attacks against transit, we need to be prepared in the case of another terrorist attack in the United States. I refer to testimony before my subcommittee last year, as I chaired the subcommittee with respect to transit's role in September 11. The first is a statement by Jenna Dorn, the Administrator on the Federal Transit Administration.

At 8:52 a.m. on September 11th, minutes after the first hijacked jet plowed into One World Trade Center, a Port Authority Trans-Hudson (PATH) train master gave life-saving instructions to conductors and operators.

A train from Newark, carrying about 1,000 passengers, had just pulled into the station below the World Trade Center. The train master told the crew to keep everyone on the train, board everyone in the station, and immediately depart for the Exchange Place stop in Jersey City. Public transportation employees immediately evacuated passengers who mistakenly left the train.

A train from Hoboken carrying another 1,000 people was just behind the Newark train. The train master told that crew to keep the doors closed at the Trade Center and head immediately to Jersey City.

The train master then told another train in Jersey City to discharge all passengers and head back to the World Trade Center to evacuate remaining travelers and transit personnel. That train departed with its precious cargo at 9:10 a.m., 40 minutes before the first building collapsed.

That train master, Richie Moran, and PATH's emergency response plan, saved thousands of lives. As we watched the death toll climb in New York, it is astounding to realize that no one riding the PATH or New York City subway lines that morning was injured.

That is not an accident. That is the result of good communications, planning, training, all the issues that they showed in New York City. But let me suggest the level of planning, training, and equipment in New York City is not duplicated in many cities around this country—and it should be.

Also, I ask unanimous consent to have printed in the RECORD excerpts

from the statement by Richard A. White, the general manager of the Washington Metropolitan Area Transit Authority, who talks of the integral role of that system in evacuating personnel during the attack on the Pentagon.

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

On September 11, when WMATA was needed most, and in the midst of regional chaos, Metrorail and Metrobus were ready, and delivered for the National Capital Region. We operated the equivalent of back-to-back rush hours virtually without incident, after the Federal Government and other regional employers sent hundreds of thousands of workers home around mid-morning. We were operating the entire day. We did what we do best. We moved large numbers of people safely and efficiently.

Throughout the day, the WMATA workforce performed extraordinarily. Not once did an employee put their own individual concerns ahead of their sense of duty to the customers. The transit police, the bus and rail operators, the station personnel, the customer service representatives—everyone—demonstrated their dedication to our mission of moving people safely and securely.

Further, we never lost communications throughout the day. We established and maintained contact with local State, and Federal authorities, and we communicated with our riders through in-system messages, our phone system and over the internet through the website.

WMATA, blessedly, suffered no property damage, no loss of life, and no injury to any of its employees nor to any of our customers on that terrible day.

Mr. REED. Senator SARBANES and I asked for a GAO report on transit security. The GAO visited 10 transit properties all over the country of varying sizes and characteristics. They surveyed 200 of the 6,000 transit operators of the Nation. Their report clearly indicates the compelling need for Federal assistance.

In addition to that, it clearly indicates the scope of that system. Of just eight of the transit systems that had conducted professional security assessments and asked professionals to come in and review procedures, equipment, personnel, the cost to upgrade these systems, for just 8 out of 6,000, was \$700 million. If we were to upgrade all of our transit systems in this country, it would be on the order of billions of dollars. Yet, those costs have not been met by the administration for this compelling need.

The administration has barely funded transit security, about \$88 million. Some of this, frankly, was discretionary funding from the Department of Homeland Security which they, to their credit, decided to commit to the issue of transit security.

We have to provide the resources. In addition, we have to also ensure that there is appropriate responsibility and oversight. That is why our amendment also calls on the Department of Homeland Security and the Department of Transportation to sign a memorandum of agreement to ensure that the two

agencies, as well as the Federal Transit Administration and the Transportation Security Administration, have in place strong linkages, coordination, and understanding of their mutual and separate roles. We have been repeatedly assured that this agreement was imminent. It has yet to be produced, yet to be issued. Our amendment asks that this be done expeditiously. My colleague, Senator SARBANES, will address these points also.

Our position today is not to cause panic but to prevent panic by having the resources so that our transit systems are not targets of terrorists and that our transit systems can, in fact, provide value to the support in the wake of any type of attack on a major urban area in the United States by terrorists. This is a well-crafted amendment. Certainly the need is there. I urge support of the amendment.

I recognize at some point the chairman may raise a budget point of order against my amendment, and at the appropriate time either I or Senator REID of Nevada will move to waive the point of order. I urge my colleagues to support my motion to waive.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. What is the parliamentary situation?

The PRESIDING OFFICER. There are 19 minutes allocated to the Senator from Rhode Island.

Mr. SARBANES. Will the Senator from Rhode Island yield me 8 minutes?

Mr. REED. I am happy to yield 8 minutes.

Mr. SARBANES. Mr. President, I am very pleased to cosponsor the amendment offered by my able and distinguished colleague from Rhode Island, Senator REED. I commend him for his very strong leadership on the important issue of enhancing the security of our Nation's public transit systems. By allocating \$100 million for transit security, this amendment would enhance the safety of millions of Americans.

Every workday, 14 million Americans ride buses, subways, light rail, and ferries in cities and towns all across America. Transit systems throughout our Nation link people to jobs, to medical care, to shopping, to school, and to other essential services.

More and more, Americans are recognizing the benefits that transit has to offer. Over the last 6 years, transit ridership has grown faster than any other mode of transportation.

These riders expect and deserve transit systems that are reliable, that are safe, and that are secure.

As chairman of the Banking Committee's Subcommittee on Housing and Transportation, Senator REED, during the last Congress, convened six hearings to examine our Nation's public transit systems, with two of those hearings fully devoted to the security question. One hearing took place just a few weeks after the attacks on September 11, and the second shortly after the first anniversary of those attacks.

The witnesses at those hearings included the Federal Transit Administrator, representatives of transit agencies, including Richard White, the general manager of the Washington Metropolitan Area Transit Authority, and representatives of transit labor.

I commend the record of those hearings to all of my colleagues. They were extremely well done.

The witnesses testified about the contribution transit made to the Nation on September 11, something my colleague already made reference to. That morning, transit agencies across the country ran extra trains and buses as long as needed to move people safely out of city centers.

Transit played a particularly vital role in New York and Washington, the two cities directly under attack that day. Without the vibrant transit systems in place in those cities, timely movement of our people would have been impossible.

As more and more Americans are using public transportation, it is clear that transit must be a vital component of any city's emergency response plan.

As my colleague indicated, according to the Mineta Transportation Institute in San Jose, CA, surface transportation was the target of more than 195 terrorist attacks from 1997 to 2000, and transit systems are the mode most commonly attacked.

The witnesses before Senator REED's subcommittee explained that public transportation faces unique security challenges.

By its nature, transit must be easily accessible. It runs on identified routes and at published times, and it uses an extensive network of roads and rails spanning a wide geographic area.

It obviously is not feasible to screen all passengers and baggage before boarding, as is done in airports, or to check the identity of all who wish to use the system.

But, according to the witnesses who appeared before Senator REED at those hearings, there are measures that transit agencies can take to improve their security, such as conducting vulnerability assessments, developing emergency plans, investing in security equipment, and training employees—which was repeatedly emphasized to us as something that would improve the security of our systems.

But these improvements do not come without cost, and the lack of available funding was identified as a major impediment to making transit systems more secure.

Early last year, Senator REED and I joined in asking the General Accounting Office to review transit agencies' response to the threat of terrorism, and to identify the challenges they face in enhancing the security of their systems.

The GAO report, released last December—and I commend this report to my colleagues—found that transit agencies have taken a number of steps, particularly since September 11, to improve security.

At the same time, the report identified significant remaining security needs. Consistent with the testimony of our witnesses, the report found that insufficient funding—insufficient funding—is “the most significant challenge in making transit systems as safe and secure as possible.”

In fact, at the 10 transit agencies they visited, the GAO found hundreds of millions of dollars in identified security needs.

Our Nation's transit agencies have made good use of the limited resources they have had available, but this report demonstrates that new resources will be needed in the future to safeguard the security of our Nation's transit systems.

The pending legislation does not demonstrate the commitment necessary to help transit systems become more secure.

I believe we owe it to our Nation's transit riders to do more.

This amendment takes a critical step in the right direction by making \$100 million available for transit security, to be allocated by the Department of Homeland Security according to threat assessments that have already been conducted by the Transportation Security Administration and the Federal Transit Administration.

Assessments have been conducted. The priorities are there. We can move these funds quickly out into the field in order to enhance security.

Transit agencies could quickly put this money to use, investing in security equipment, conducting training exercises for transit personnel, and otherwise enhancing their systems' ability to resist attack.

This is an investment that we cannot afford not to make—an investment we cannot afford not to make.

I urge my colleagues to support the amendment of the able and distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment provides \$100 million in additional spending for grants for public transit agencies to enhance security of transit facilities against chemical and biological attacks. The bill already provides \$71 million for the Science and Technology Directorate to develop and deploy chemical, biological, and nuclear sensor networks. Public transit facilities are in line to benefit from this appropriation.

The Science and Technology Directorate is piloting chemical and biological sensors in subways that will demonstrate an integrated chemical detection and response system for six subway stations by September of this year.

The amendment would place the Transportation Security Administration in charge of deployment of detectors prematurely, before the research and development has determined the best technology to accomplish the goal. The bill before the Senate which

the subcommittee and the full committee have approved also includes \$25 million for the Department to develop standards nationwide for detection sensors.

There is no offset for this additional spending in the amendment, and it would, therefore, cause us to exceed the limitations of the budget resolution. Therefore, I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

The PRESIDING OFFICER. The point of order is not timely at this time. Time remains for the sponsor.

Mr. COCHRAN. Mr. President, is it not correct that a motion to waive the Budget Act would be debatable and would be debatable under the unanimous consent agreement? My purpose is not to cut off anyone's right to debate under the rules of the Senate or under the terms of the unanimous consent agreement.

The PRESIDING OFFICER. The motion to waive would be debatable. Under precedent, the point of order should not be made until all time has expired.

Mr. COCHRAN. I withdraw my point of order.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, the purpose of our amendment is not necessarily to impede any deployment of technology. It simply recognizes that even if this technology is deployed, tested, or evaluated in 6 stations or 100 stations, the cost of implementing this system and other systems—the amendment talks about protecting transportation facilities, not just subway lines, but buses and interurban transportation, all types and modes of transportation—even if you could deploy, the cost would be significant.

Our amendment asks that this budget recognize those significant costs.

Again, there is no question that the chairman has tried his best to come up with the resources to try to meet this need. But the need is so staggering—billions and billions of dollars. The funds in this bill devoted to transit security is so meager that our amendment simply tries to strike a balance. The \$100 million would go to help systems buy equipment and train personnel. All of that is necessary.

We also would ask that the Department of Homeland Security issue the plans they have long said they were going to do between the proper transportation and the proper homeland security to coordinate their activities with respect to transit security.

I urge the amendment be adopted.

I further point out that even if we were to adopt this amendment—I understand at the appropriate moment the Senator from Mississippi will make a budget point of order—this is truly a very modest downpayment on the cost of ensuring that all of our transit systems, our buses, and our subway sys-

tems have the same degree of preparedness as we are trying to develop for our airlines and for other modes of transportation.

If we reject this amendment, we will simply be in a situation where we might be able to demonstrate a few projects, and we might be able to test the system, but we will never deploy those systems across the Nation in transit systems. There are 6,000 transit systems.

Again, it is \$100 million, just a meager downpayment for what is really a multibillion-dollar requirement for the United States.

I recognize that the Senator has said he is proposing to make a point of order.

At this point, I yield my time in anticipation of such a point of order.

Mr. COCHRAN. Mr. President, I yield whatever time remains on this side.

The PRESIDING OFFICER. All time is yielded.

Mr. COCHRAN. Mr. President, I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mr. REED. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from West Virginia.

#### AMENDMENT NO. 1373

Mr. BYRD. Mr. President, last November Congress enacted the largest reorganization of the Federal Government in half a century. At that time, the Senate was under extraordinary pressure to pass a bill quickly. The President traveled the country giving campaign speeches accusing the Senate of not caring about homeland security. The Senate responded by hastily approving the massive reorganization before Members had a chance to study the contents of the 484 pages that were dropped into our laps just a few days before the vote.

There were a lot of items in that legislation that would not have survived scrutiny had the Senate spent more time debating the bill. A number of Senators objected to certain provisions in the bill and introduced amendments. But those amendments were never considered because the Senate voted to shut off debate.

A good many Senators wanted to put the bill behind us even if it meant settling for a bill that needed more scrutiny. One of the imperfections that the Senate was willing to accept was the unprecedented secrecy that was given to the new Department of Homeland Security.

Although the original version of the bill took a responsible, moderate ap-

proach to ensure public accountability, the final version that was dumped on the Senate gave the Department carte blanche to conduct its operations in secret.

I filed amendments to scale back this excessive secrecy, as did several other Senators. But those amendments were never considered because, as I have already indicated, debate was shut off by cloture.

Now we read in the papers that full advantage is being taken of the secrecy in the Department. Their friends and contributors in the private sector have a seat at the homeland security table. Corporate leaders and campaign contributors have been awarded coveted seats on the advisory committees that make policy recommendations to Secretary Ridge and to others in the Department.

Consequently, not only do these companies have a direct role in shaping our homeland security policy, but they also have direct access to Department officials who award the private sector contracts for implementing those policies.

Last month, for the first time, the Homeland Security Advisory Council met to provide advice and recommendations to the Homeland Security Secretary about this Nation's homeland security needs.

It is my understanding Secretary Ridge took the opportunity to remind the council that the Homeland Security Department was soliciting a wide array of innovative counterterrorism technologies. "There are several million dollars available to the private sector," Secretary Ridge said. That information no doubt would have been more than just passing interest to the members of the advisory council. With six CEOs and a member of the board of directors from three top companies, the Homeland Security Advisory Council represents some of the top business interests that are in competition for government contracts related to homeland security.

It is worth noting that, according to the New York Daily News, of the 818 members chosen to sit on the advisory committee, 11 members have collectively given more than \$200,000 in direct contributions to the Republican Party at a time when questions are already being raised about the propriety of former aides to Secretary Ridge lobbying a Homeland Security Department for Government grants. It is troubling that the Homeland Security Secretary would risk further damage to the Department's credibility by naming to advisory council representatives of top companies that are vying for homeland security contracts and grants.

At a time when questions are being asked or raised about the preferential treatment given to major corporate campaign contributors in bidding on Government contracts, it is disconcerting that companies such as Dow Chemical, Eli Lilly, Conoco-Phillips,

Black & Decker, Procter and Gamble, and Lockheed Martin are representatives serving on the advisory council.

This volunteering by these companies of their CEOs and board members to serve on the advisory council may well be a selfless act of patriotism, but that does not stop them from profiting from the contracts and grants awarded by the Department.

Eli Lilly used its connections to use a provision in the Homeland Security Act to shield vaccine makers from lawsuits relative to the use of thimerosal, a mercury-containing preservative once added to childhood vaccines.

Dow Chemical received \$1.4 million in port security grants from the Homeland Security Department last spring.

Lockheed Martin won a long-term contract to help modernize the Coast Guard, a contract that could be worth up to \$17 billion. It also contracted to assist the Transportation Security Administration in developing CAPPs II, a controversial data tracking system that will reportedly collect information about nearly every adult American who buys an airline ticket.

Despite the specter of the conflict of interest, and despite numerous warnings from Government watchdog groups, the advisory council has been exempted from public disclosure laws. The American people have no way of knowing what is being discussed or what advice is being recommended. There is no way to identify the financial interests of these council members in any advice or recommendations they may make to Secretary Ridge.

With a \$40 billion homeland security budget and the expectation that the Federal Government will spend hundreds of billions of dollars in the coming years on homeland defenses, corporate America is salivating over the money that is to be made from the grants and contracts being doled out by the Homeland Security Department.

Also, being at the table when advice is given to the Homeland Security Secretary can be a very powerful tool. That is all the more reason the Congress should provide the American public with some kind of check to ensure that the advice being given to the Secretary is in the best interests of the Nation's defenses and not just in the best interests of companies soliciting a Government contract.

I am concerned about the makeup of these advisory committees and how they are being used. We have no way of knowing what kind of recommendations these corporate CEOs are making to Secretary Ridge or what actions this Department is taking in response to those recommendations. We have no way of knowing whether there are real conflicts of interest when contracts are awarded to the same people who recommended the contracts in the first place.

By requiring that the Department of Homeland Security comply with the Federal Advisory Committee Act, my amendment will ensure that Congress

and the American people know how these advisory committees are being used. This law has served us well for over 30 years for advisory committees throughout the Federal Government. It includes long-accepted protections for sensitive information relating to law enforcement and national security, so there is no danger of disclosing information that would make our Nation more vulnerable.

My amendment will require that the Department disclose basic facts about who is participating in these advisory committees and what kinds of recommendations are being made. The American people have a right to know that the Department of Homeland Security is acting in their best interests, not simply in the interests of any administration's friends in the private sector. This knowledge will strengthen our homeland security efforts, not weaken them, and will ensure public confidence in the policies that any administration—not only this one, but any future administration—chooses to follow.

The safety of the American people is at stake. I believe the amendment will make the people safer and better informed.

I urge the Senate to adopt this amendment.

Mr. President, I call attention to the fact that the amendment is proposed by Mr. BYRD, for himself, Mr. LIEBERMAN, and Mr. LEVIN.

I ask unanimous consent that Senator CLINTON's name be added as a co-sponsor.

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

Mr. BYRD. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

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

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

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. LIEBERMAN, Mr. LEVIN, and Mrs. CLINTON, proposes an amendment numbered 1373.

The amendment is as follows:

(Purpose: To prohibit funds appropriated under this Act from being used by any advisory committee that has been exempted from the Federal Advisory Committee Act)

At the appropriate place, insert the following:

SEC. 616. None of the funds appropriated by this Act may be used to fund the activities of any advisory committee (as defined in section 3 of the Federal Advisory Committee Act) that has been exempted from the Federal Advisory Committee Act (5 U.S.C. App.) pursuant to section 871 of the Homeland Security Act of 2002 (6 U.S.C. 451).

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, section 871 of the Homeland Security Act allows for an exemption to the Federal Advisory Committee Act so that meetings of advisory committees at the De-

partment of Homeland Security could go forward in emergency and other unforeseen situations.

To form an advisory committee, the Federal Advisory Committee Act requires notice of meetings, publication of meetings in the Federal Register, timely public release of documents associated with the advisory committee meetings, and so forth, including making reading rooms available for members of the public to read the documents that are being discussed by the advisory committee.

The Department of Homeland Security and its representatives, when this legislation was being developed, convinced the committee and the Congress to grant a narrow exemption to the Department to permit it to do its job in emergencies to protect and respond to threats to protect the homeland.

For example, it was suggested if we had another attack, such as we experienced on September 11, and damages were caused to the telecommunications systems of the east coast, the Department would need to convene a committee of experts and people who understood things that needed to be done to put the telecommunications systems back in running order. And they may not have time to put a notice of an advisory committee meeting in the Federal Register, or to give publication or notice of the meeting, or to have what the act requires: timely public release of documents associated with the meeting to be held.

It was the view of the Congress, at the time the act was written creating the Department of Homeland Security, that there were emergency situations that could develop that would require such an exemption.

Also, the Department suggests that it requires the ability to meet with private sector officials in private from time to time, as necessity might require.

The Department, as I understand it, has not invoked this exemption up to this time, so there is no indication that they are abusing the exemption that has been granted them. They are following the provisions of the Federal Advisory Committee Act, I assume, in every other respect. We have received no notice. I have no information personally that any violations of the act have occurred.

The Senate passed the Homeland Security Act just months ago, and the Department has been operational only since March, I think, of this year. So to repeal a part of the Homeland Security Act in an appropriations bill that passed the Senate overwhelmingly, and where there has been no indication of abuse, seems to be unnecessary.

So I hope the Senate will reject the amendment that is offered by the Senator from West Virginia.

Mr. BYRD. Mr. President, the Secretary can, under the Federal Advisory Committee Act, exempt committees from notice rules in an emergency

under existing law, whenever he determines it is necessary for national security.

It is important that this amendment be adopted. We are not just talking about this administration. We are not just talking about this Secretary of the Department. We are saying that there should not be a blanket exemption available to any Secretary of this Department, when we keep in mind that from a national security standpoint, the Department is exempted, the President can exempt it, the Department head in this case can exempt it.

But there are matters other than national security which are important and which are discussed by this Department. For the protection of the American people not only under this administration but also under other administrations that may come and may go, this amendment should be adopted. It is in the interest of the American people that they be protected and that we know that the American people know who is being asked to make recommendations, what recommendations are being made and whether those recommendations are in the interest of the American people.

I hope the amendment will be adopted. I urge my colleagues to vote in support of it.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the amendment of the Senator from West Virginia.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1374

Mr. BYRD. Mr. President, I send to the desk an amendment by Mr. DURBIN. I believe it has been cleared on the other side of the aisle. The manager will speak to that. I send to the desk the amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. DURBIN, proposes an amendment numbered 1374.

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

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

The amendment is as follows:

(Purpose: To provide for a report to Congress on information systems interoperability, and for other purposes)

At the appropriate place, insert the following:

Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security, in collaboration with the Director of the Office of Management and Budget, shall submit a report to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Select Com-

mittee on Homeland Security of the House of Representatives on the status of the Department's efforts to—

(1) complete an inventory of the Department's entire information technology infrastructure;

(2) devise and deploy a secure comprehensive enterprise architecture that—

(A) promotes interoperability of homeland security information systems, including communications systems, for agencies within and outside the Department;

(B) avoids unnecessary duplication; and

(C) aids rapid and appropriate information exchange, retrieval, and collaboration at all levels of government;

(3) consolidate multiple overlapping and inconsistent terrorist watch lists, reconcile different policies and procedures governing whether and how terrorist watch list data are shared with other agencies and organizations, and resolve fundamental differences in the design of the systems that house the watch lists so as to achieve consistency and expeditious access to accurate, complete, and current information;

(4) ensure that the Department's enterprise architecture and the information systems leveraged, developed, managed, and acquired under such enterprise architecture are capable of rapid deployment, limit data access only to authorized users in a highly secure environment, and are capable of continuous system upgrades to benefit from advances in technology while preserving the integrity of stored data; and

(5) align common information technology investments within the Department and between the Department and other Federal, State, and local agencies responsible for homeland security to minimize inconsistent and duplicate acquisitions and expenditures.

Mr. COCHRAN. Mr. President, I have no objection to the approval of this amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1374) was agreed to.

Mr. BYRD. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1375

Mr. BYRD. Mr. President, I send an amendment to the desk on behalf of Senator FEINGOLD. This, too, has been discussed with the manager of the bill who will speak to it himself. I send the amendment to the desk and ask that in the reporting of the amendment, that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The amendment will be reported by number.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. FEINGOLD, proposes an amendment numbered 1375.

The amendment is as follows:

(Purpose: To require a report on the activities of the Department of Homeland Security with respect to the development of best practices for emergency responders, and for other purposes)

On page 59, at the end of line 23, after heading insert the following:

: *Provided further*, That not later than January 1, 2004, the Office of Domestic Preparedness shall submit to the Committees on Appropriations of the Senate and House of Representatives a report detailing efforts to assess and disseminate best practices to emergency responders which, at a minimum, shall discuss (1) efforts to coordinate and share information with State and local officials and emergency preparedness organizations; and (2) steps the Department purposes to improve the coordination and sharing of such information, if any.

Mr. COCHRAN. Mr. President, I have no objection to the adoption of this amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The amendment (No. 1375) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1373

Mr. COCHRAN. Mr. President, if under the order it is permitted, we are ready to proceed to a vote on the Byrd amendment on which we just debated.

The PRESIDING OFFICER. The Senator is correct. The question is on agreeing to amendment No. 1373. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN), are necessarily absent.

I also announce that the Senator from Minnesota (Mr. DAYTON) is attending a funeral.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea".

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

The result was announced—yeas 46, nays 50, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—46

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

NAYS—50

Alexander	Allen	Bond
Allard	Bennett	Brownback

Bunning	Fitzgerald	Murkowski
Burns	Frist	Nickles
Campbell	Graham (SC)	Roberts
Chambliss	Grassley	Santorum
Cochran	Gregg	Sessions
Coleman	Hagel	Shelby
Collins	Hatch	Smith
Cornyn	Hutchison	Specter
Craig	Inhofe	Stevens
Crapo	Kyl	Sununu
DeWine	Lott	Talent
Dole	Lugar	Thomas
Domenici	McCain	Voinovich
Ensign	McConnell	Warner
Enzi	Miller	

NOT VOTING—4

Dayton	Kerry
Edwards	Lieberman

The amendment (No. 1373) was rejected.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1372

The PRESIDING OFFICER. The question is on the motion to waive the Budget Act with respect to the amendment of the Senator from Rhode Island.

Mr. REED. I ask unanimous consent for 2 minutes equally divided.

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

Mr. REED. I ask unanimous consent that Senator CLINTON be added as a cosponsor.

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

Mr. REED. Mr. President, there are 6,000 transit systems throughout the United States in every State in the Union. All of them need additional resources to improve their security. We know they are targets. Worldwide, there already have been 195 attacks against transit systems from buses in Israel to a sarin gas attack against the subway system of Tokyo which killed 11 and injured over 5,000 individuals.

To fully protect all of these systems, the GAO has estimated we would need billions of dollars. The Reed-Sarbanes-Clinton amendment is a modest first step to authorize the appropriation of \$100 million for grants to transit systems for equipment, training, and other security needs. The need is clear. The threat is obvious.

I urge support for this amendment and retain the remainder of my time.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. COCHRAN. Mr. President, the funding in this amendment is not offset. It adds \$100 million to the spending in the bill. It therefore violates the Budget Act.

I made a point of order under section 302(f) of the Congressional Budget Act; that the amendment provides spending in excess of the subcommittee 302(b) allocation. The yeas and nays have been ordered on the motion to waive the Budget Act. That is the vote.

I urge Senators to vote no on the motion to waive the Budget Act.

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

to waive the Budget Act. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. BENNETT) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I also announce that the Senator from Minnesota (Mr. DAYTON) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea".

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

The yeas and nays resulted—yeas 44, nays 50, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—44

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

NAYS—50

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Allen	Ensign	Nickles
Bond	Enzi	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeWine	McCain	

NOT VOTING—6

Bennett	Edwards	Lieberman
Dayton	Kerry	Miller

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Missouri.

Mr. TALENT. Mr. President, I rise in support of the bill in general. Secondly, I thank the chairman and ask unanimous consent for the two of us to engage in a bit of a colloquy. I also thank the Senator from West Virginia for allowing me to go forward first with this very brief colloquy.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. TALENT. Mr. President, within the larger discussion of how homeland security funds are allocated, there is a very clear need for some limited discretionary authority for State officials to reallocate homeland security funds to needs not foreseen months earlier and which may arise due to increased threat assessments.

During my discussions across the State of Missouri about homeland security, nearly every police chief and every first responder tells me the same thing: Look, don't tie our hands on how we are going to use money you give us. Leave us some discretion on how to use those funds.

My colleague and friend, Senator KIT BOND, has heard the same message all over Missouri.

On the other hand, the Department of Homeland Security asserts it must tightly control how every dollar is spent.

I appreciate the need for accountability given the Department's mission. I also appreciate that in many instances our first responders know best how to allocate these funds and that sometimes very legitimate concerns fall outside the narrow spending guidelines of the Department.

Accordingly, the amendment I would have offered—and I am not going to offer it—would have expressed the sense of the Senate that:

Five percent of State grants may go to provide security costs as identified by the Office of Domestic Preparedness for "non-national security special events" as approved by the Department of Homeland Security.

In closing, I will give a very brief illustration of my point for the chairman and the Senate. In August, St. Louis is going to host a Jewish Youth Olympics called the Maccabi Games. It is a great event. It is going to draw over 5,000 Jewish youth from around the globe. The State's own Homeland Security Office threat assessment team stressed the need for greater security, but there is no latitude to reallocate even a modest sum from the monies awarded to the State.

Clearly there are instances where greater latitude is needed, and I appreciate the chairman's willingness to work with me and with Senator BOND to address this issue.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I appreciate the advocacy of the distinguished Senator from Missouri for increased latitude in spending authority by State officials. I agree that greater flexibility is needed to use homeland security funds to meet special security needs such as this.

I hope the committee of jurisdiction will consider a mechanism to allow spending a limited amount of State grant funds as my colleague, Mr. TALENT, suggests for "non-national security special events" which may present particular security concerns. Certainly, the Maccabi Games, which he

cites as an example, would fall within this category.

I look forward to working with the Senators from Missouri on this important issue.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I close by thanking the chairman and the Senator from West Virginia and look forward to working with the chairman and the committee to establish a means for greater latitude in how Federal homeland security funds are expended.

I yield the floor.

AMENDMENT NO. 1376

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, 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 Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 1376.

Mr. LEVIN. 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 clarify the prohibition on contracting with corporate expatriates)

At the end, add the following:

**SEC. —. PROHIBITION ON APPROPRIATIONS AVAILABLE TO CORPORATE EXPATRIATES.**

No funds in this Act shall be available for any contract entered into after the date of enactment of this Act by the Department of Homeland Security with—

(1) an inverted domestic corporation (as defined in section 835 of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 395)),

(2) any corporation which completed a plan (or series of transactions) described in such section before, on, or after the date of enactment of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 395), or

(3) any subsidiary of a corporation described in paragraph (1) or (2).

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator REID of Nevada be added as a cosponsor of the amendment.

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

Mr. LEVIN. Mr. President, it is truly appropriate that Senator REID be the principal cosponsor of this amendment because this is an issue which he has raised over the years with great passion, great feeling. This would just as appropriately be a Reid-Levin, et al., amendment as well as my offering it on our behalf.

Young men and women are putting their lives on the line for us and our country while some corporations have stiffed our country, renouncing their citizenship, going through phony reincorporations in Bermuda or other tax-haven countries to avoid paying taxes. This process is called corporate inversion. It is one of the abuses about

which we all know as a shell headquarters being opened up in a tax haven, while all the benefits of living in America remain, all the benefits we would hope to provide in this bill—for instance, protection, homeland security, police, fire, port security. They take advantage of all the other services which are provided to these particular corporations. But because a shell headquarters has been opened up for a few of these corporations in Bermuda, they have avoided paying taxes.

They continue to use our roads and our law enforcement, our education system. They use our free trade laws. But then they avoid paying taxes by opening up a post office box and a computer in a tax haven.

One of the colleagues of ours who was most deeply involved in trying to correct this was Paul Wellstone. He said: If they want to make that decision, we haven't yet stopped them from gaining the tax benefits, but at least let's not give them government contracts while they are doing this type of activity. And when he was alive, our dear friend and colleague Paul Wellstone offered an amendment such as the one Senator REID and I are offering today that was adopted. It was modified in conference so that it came back in such a weakened state that there are still some loopholes in it which need to be closed.

That is what this amendment does. Basically what this amendment does is provide that the language of the amendment will apply to the subsidiaries of the fake corporations in Bermuda or elsewhere so that we get to the actual corporation which has remained in America and that we also apply this to new contracts to corporations which have already inverted, as the word goes. We obviously would not in any way attempt to affect existing contracts. We don't intend to do that. We don't do that. In fact, we can't do that in any event under the Constitution.

What we do believe, as Paul Wellstone passionately believed, is we don't have to provide advantages through contracting with these companies, if they have chosen to abandon this country and to take the unpatriotic course of creating these phony headquarters and a tax haven while they are still here, in fact, enjoying all of the services of this country.

To reiterate, while young men and women are putting their lives on the line for us and for our country, some corporations are stiffing our country, renouncing their citizenship, and going through phony reincorporations in Bermuda or other tax haven countries to avoid paying taxes. This process, called a corporate inversion, is one of the most egregious of all of the tax haven abuses that we know about—just a shell headquarters being opened up in a tax haven, but all of the benefits of living in America continue. These corporations continue to use our roads, use our law enforcement, use our education system, use our markets and use

our free trade laws, among other things, but they avoid paying billions in taxes by setting up a post office box and a computer in a tax haven. One of the architects of these inversions warned that for companies planning on doing this, patriotism was going to have to take a backseat to profits—boy did she have that right.

Inversions are unfair to the taxpayers who are left holding the bag and unfair to the U.S. companies that are doing the right thing by not inverting but who nevertheless are at a competitive disadvantage because of these sham moves. Last year, Senator Wellstone tried to do something about this problem, and we in the Senate agreed with him. Senator Wellstone introduced an amendment to the Homeland Security Act which prohibited inverters and their subsidiaries from entering into homeland security contracts with the government. We adopted the amendment. Why, Senator Wellstone wondered, should those that renounce their citizenship to avoid paying taxes—and who nonetheless receive all of the benefits of being U.S. citizens—get rewarded further through homeland security contracts? Why would we continue to permit inverters to take advantage of the competitive edge their sham moves have provided them for as long as they've been inverted? Why should good corporate citizens that do not engage in this egregious behavior continue to be penalized for doing the right thing and staying in the U.S.? There were no good answers to these questions last year when we passed the Wellstone amendment, and there are no good answers to these questions today.

Unfortunately, the Wellstone provision came back from conference so watered down that, when it was passed as part of the Homeland Security Act, it actually did nothing. All of those who engaged in these specious inversion transactions in past years can still enter into homeland security contracts—the current prohibition in the law only applies to future inverters, not those that did so previously. This in reality means that the law applies to no one, because no one is going to invert in the future in light of Senator GRASSLEY's statements that the tax benefits sought from future inversions won't be recognized. The competitive advantage these inverters enjoy vis-à-vis every other U.S. company therefore remains undisturbed.

The gutted version of the prohibition also only prevents the foreign "parent" corporations, i.e., the paper Bermuda companies, from entering into homeland security contracts with the government. This, too, does nothing, because the U.S. "subsidiaries," actually the main company but because of the inversions called subsidiaries, are actually the ones entering into the contracts with the government. Prohibiting the shell parents from entering into homeland security contracts therefore has no impact whatsoever on

inverted companies or the homeland security contracts they wish to receive.

My amendment would correct these two glaring loopholes in the current law, neither of which would exist had we stuck with the Wellstone amendment which we passed last year.

First, this amendment would prohibit those that inverted in the past from receiving future—and I stress the word future—homeland security contracts in fiscal year 2004. The existing law lets inverters continue to take advantage of the competitive edge they enjoy over other U.S. companies by letting them enter into future homeland security contracts. We therefore continue to reward these companies for their decisions to invert on paper to a tax haven.

Second, this amendment, consistent with the Wellstone amendment, would apply the prohibition on fiscal year 2004 homeland security contracts to the subsidiaries of the foreign “parent” corporations. As I mentioned, the current law prohibits only the foreign parent from entering into homeland security contracts. This does nothing because the U.S. “subsidiaries” are actually the ones entering into the contracts with the government. This amendment would correct that obvious problem.

That is the entire amendment. There is nothing new here: Both of these changes are identical to what we all agreed was the right solution just last year. Those that have engaged in these inversion pretenses should not continue to be rewarded for their egregious conduct to the detriment of their U.S. competitors and the U.S. public at large.

This provision is not retroactive. It does not affect existing contracts. It refers exclusively to future homeland security contracts, i.e., to contracts entered into in the future. We are not asking companies to provide any refunds for past contracts or to break existing homeland security contracts. It is solely meant to apply to contracts in the future, on a going forward basis, not those in the past.

Failure to correct this problem will continue to give companies that entered into these sham deals a significant competitive edge over the other U.S. companies out there. Listen to what some U.S. companies who compete with inverters have said. Stanley Tools of New Britain, CT, a tool manufacturer that itself contemplated inverting prior to changing its mind and doing the right thing, stated: “Not only are we disadvantaged against our foreign competitors, but two of our major U.S. competitors have a significant advantage over Stanley Works because they have already reincorporated [in Bermuda].” Conair Corporation of East Windsor, NJ, a personal and healthcare products manufacturer, stated: “Our competitors have registered in Bermuda and evade paying a great deal of American taxes which

makes it very difficult and unfair for Conair to operate in an environment where people are price-conscious of the products they are buying.”

It is a fact that U.S. companies that compete with these inverters are at a competitive disadvantage because of the tax and other benefits that inversions provide. Failure to act now will continue to skew the playing field against the U.S. companies who have chosen to remain in the U.S. and pay their taxes like the rest of us.

Inverted companies have received unjustified benefits of moving their P.O. box to Bermuda. These ill-begotten gains have meant years of lower U.S. taxes while competitors pay taxes, giving inverters a competitive edge over other U.S. companies. As a result of their fake move to a tax haven, these companies have had the best of all worlds for far too long, all to the detriment of their U.S. competitors, the U.S., and the public as a whole.

The solution for these companies is easy—come back home. No headquarters, jobs or operations would need to be moved since it was all a paper transaction in the first place. That is their decision but it is ours as to whether we will give them more contracts.

Companies that entered into these transactions knew this could happen. Laws change all the time, and these inverters knew that some may not be pleased with their decision to put profits ahead of patriotism. They weighed the risks at the time and decided that renouncing their U.S. citizenship was the way they wanted to go. That was their choice, and they made it. The choice we have now is whether we want to continue to reward unpatriotic companies that enjoy all the benefits of being in the U.S.—our police, roads, security provided in this bill but don’t pay their share of the countless benefits they receive year in and year out.

We should not continue to reward the inversion pretense. It is unfair to the U.S. companies forced to operate on an uneven playing field, and it is unfair to the rest of our taxpayers who pay their fair share. Let’s do what we intended to do when we passed Senator Wellstone’s amendment last year.

I understand this amendment may be accepted. I haven’t had a chance to talk to our good friend from Mississippi. I don’t know that for sure. I ask him at this time whether or not the rumor mill is correct that, in fact, this might be accepted.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to be able to advise my good friend from Michigan that I am prepared to accept the amendment and recommend it be approved.

Mr. LEVIN. Mr. President, I greatly appreciate my good friend’s words, as always, and his counsel.

The PRESIDING OFFICER. Is there further debate on the amendment? The question is on agreeing to amendment

No. 1376. Without objection, the amendment is agreed to.

The amendment (No. 1376) was agreed to.

Mr. LEVIN. Mr. 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.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, on another matter, this is an amendment which I had intended to offer but will not. I want to spend about 2 minutes discussing the formula which is in the bill before us relative to the distribution of the homeland security first responder grant funds. Typically bills have what is called a small State guarantee. That is not unusual. What is unusual in this bill is that the guarantee, the set-aside for small States, is so unusually high. That means other States with larger populations have less funds available to them because of the small State guarantee. It is deeply troubling to those of us who are from larger States, be it California, New York, Ohio, Illinois, or many others. Due to this small state minimum, many other States do not receive what we consider to be an equitable or fair portion of the funds that are in here.

There has been great debate over the level of funding because of this small State guarantee. The leading organization that analyzes Federal grants, the Federal Funds Information for States, FFIS, has stated the structure “of the three quarters of 1 percent guaranteed minimum as a base represents a departure from traditional small State minimums which are typically half of 1 percent or less.”

There is an authorization bill moving along, which has come out of the Governmental Affairs Committee, which is the Homeland Security first responder grant authorization bill. It also has the same formula in it, three quarters of 1 percent. Again, this is a rare and unusual formula. But this is not the time, in my judgment, to force the resolution of this issue. Better it be resolved on the authorization bill, which is on the calendar, so we will address it at that time. I know feelings run deep in all of our States on this issue. Those of us, however, who represent more populous States really believe this particular formula is overreaching. It is almost unprecedented, prior to the Homeland Security agency coming into effect.

We will save the debate on my amendment or other amendments similar to it for a different day. I thank those Members of the Senate who have worked so closely with me on this amendment. Senators from many of the populous States who believe very strongly about the issue have worked closely with me on it. I simply tell them I hope this decision meets with their approval. It seems to me the wiser course, rather than on an appropriations bill where there are some

technical problems with this, is to raise it instead on an authorization bill. Hopefully by then all of us can come together and figure out a more traditional way of protecting the small States with some kind of a minimum guarantee. I will not offer the amendment tonight.

I thank my cosponsors, including Senators BOXER, FEINSTEIN, New York Senators, my colleague from Michigan, Senator STABENOW, and other Senators who have been very supportive. Senator VOINOVICH and I, for instance, in the Governmental Affairs Committee, worked on an approach to this that is somewhat different than the amendment I was going to offer. I know how deeply Senator VOINOVICH feels about this formula, and I welcome his support on a related amendment.

I see the good Senator from Texas on the floor. I will yield to her because she has been very deeply involved as well. She and I have had some very productive conversations about the subject. She and many other States believe very strongly as I do about it. I thank her and all others who have been supportive of trying to resolve this in a fair way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, in answer to the Senator from Michigan, it is my intention to talk a little bit later in this process about this same formula issue. We have a problem with the formula not fairly representing the needs of the large States. It is my hope—and I do have a commitment from all of those involved—that we will get the authorization bill that will allow us to address this inequity in the formula because right now, the high-risk areas do not include one of my cities that is one of the top 10 largest cities in America, and it is not considered high risk. What are we thinking? So I want to talk about that later.

I appreciate the leadership of the Senator from Michigan.

Mr. LEVIN. I thank the Senator.

AMENDMENT NO. 1364

Mrs. HUTCHISON. Mr. President, I send amendment No. 1364 to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 1364.

Mrs. HUTCHISON. 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:

On page 62 of the bill, line 12, after "investigations" insert the following:

"Provided, That the Under Secretary for Emergency Preparedness and Response may provide advanced funding to authorized entities performing duties under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) who respond to disasters declared by the President"

Mrs. HUTCHISON. Mr. President, this is an amendment that would allow the Under Secretary for Emergency Preparedness and Response—basically the disaster relief part of the homeland defense agency—to provide advance funding for nonprofit entities performing duties they are asked to perform in major disasters.

Organizations such as the Red Cross have been unable to bring their coffers back up because of the many disasters we have had in our country over the last few weeks. It is essential that they be able to be called by the Under Secretary to go to a disaster and to provide immediate help to people. The Red Cross is often first to arrive with real help, such as medical help and help for people because their homes are flooded, or they have been in a hurricane. They went to Guam in the last few months when Guam had this terrible hurricane that wiped out so much of the island, and they spent about \$17 million. They were able to recoup some, but not all, of those funds. So their coffers are low.

This amendment allows them to have advance funding when they are called to respond to a disaster and they are not able to provide that funding up front, as you would hope you would be able to do in the future. I think this amendment is acceptable. It will certainly help the Red Cross and other nonprofit agencies that just don't have the capability to run to the bank and borrow, in 24 hours, money for their disaster needs.

Until they can get their coffers built back up, I hope we can help them with this problem because we are asking a lot of them in return. They do a great job, and we want to provide the help for them to do that job for the disasters they are called to serve.

Mr. President, I offer this amendment.

Mr. COCHRAN. Mr. President, we have reviewed the amendment offered by the Senator from Texas, and we are prepared to accept it. I recommend that it be approved.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1364) was agreed to.

Mrs. HUTCHISON. Mr. President, Senator DOLE worked very hard with me on this amendment. It was a joint effort. I particularly thank Senator COCHRAN and Senator BYRD, along with Senator INHOFE and Senator JEFFORDS and Senator REID, for helping us work out the language on this bill. A lot of people had jurisdictions and everyone agreed that this was necessary. I appreciate the cooperation of all of the Senators who helped work this out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENT NO. 1378

Mr. COCHRAN. Mr. President, I send to the desk an amendment on behalf of the Senator from Louisiana, Ms. LANDRIEU, and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Ms. LANDRIEU, proposes an amendment numbered 1378.

Mr. COCHRAN. 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 express the sense of the Senate that the Department of Homeland Security's Undersecretary for Science and Technology should take all appropriate steps to ensure the active participation of historically black colleges and universities, tribal colleges, Hispanic-serving institutions, and Alaskan Native serving institutions in Department sponsored university research)

At the appropriate place insert the following:

SEC. \_\_\_\_ . It is the sense of the Senate that the Department of Homeland Security's Undersecretary for Science and Technology should take all appropriate steps to ensure the active participation of historically black colleges and universities, tribal colleges, Hispanic-serving institutions, and Alaskan Native serving institutions in Department sponsored university research.

Mr. COCHRAN. Mr. President, this is a sense-of-the-Senate amendment suggesting that historically black colleges and universities be considered as appropriate recipients of certain funds under the Homeland Security Department.

The amendment has been cleared on this side of the aisle, as well as on the other side.

Mr. BYRD. It has been cleared on this side, may I say to the Senator from Mississippi.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1378) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1379

Mr. COCHRAN. Mr. President, on behalf of the Senator from Indiana, 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 Senator from Mississippi [Mr. COCHRAN], for Mr. BAYH, for himself, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. MCCAIN, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. CLINTON, proposes an amendment numbered 1379.

Mr. COCHRAN. 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 require a plan for the enhancement of the operations of the Office of Information Analysis and Infrastructure Protection)

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for enhancements of the operations of the Information Analysis and Infrastructure Protection Directorate in order to—

(1) meet the personnel requirements of the Directorate;

(2) improve communications between the Directorate and the intelligence community; and

(3) improve coordination between the Directorate and State and local counterterrorism and law enforcement officials.

(b) In addition to the matters specified in subsection (a), the plan shall include a description of the current assets and capabilities of the Information Analysis and Infrastructure Protection Directorate, a strategy for the Directorate for the coordination and dissemination of intelligence and other information, and a schedule for the implementation of the plan required under subsection (a).

Mr. COCHRAN. Mr. President, this amendment deals with funding in the Office of Information Analysis. We have reviewed it and recommend that it be approved.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 1379) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1380

Mr. BYRD. Mr. President, on behalf of Senator FEINGOLD, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. FEINGOLD, proposes an amendment numbered 1380.

Mr. BYRD. 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 require the Comptroller General to conduct a review and to report to Congress on all of the data-mining programs relating to law enforcement and terrorism currently under development and in use in the Department of Homeland Security)

At the appropriate place, insert the following:

SEC. \_\_\_\_ . Not later than 90 days after the date of enactment of this Act, the Comptroller General shall conduct a review and report to Congress on all of the data-mining programs relating to law enforcement and terrorism currently under development and

in use in the Department of Homeland Security.

Mr. BYRD. Mr. President, this amendment has been cleared with the managers on both sides of the aisle. It provides for a report from the General Accounting Office on the data-mining programs from the Department of Homeland Security. I ask unanimous consent that the amendment be adopted.

Mr. COCHRAN. Mr. President, I join in the request of the Senator from West Virginia.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1380) was agreed to.

AMENDMENT NO. 1381

Mr. BYRD. Mr. President, on behalf of Mr. AKAKA, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. AKAKA, proposes an amendment numbered 1381.

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

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

The amendment is as follows:0

(Purpose: To allow the Secretary flexibility in determining priorities for firefighting vehicles)

At the appropriate place insert the following:

SEC. 6. When establishing priorities for firefighting vehicles in the Firefighter Assistance Grants program, the Secretary shall take into consideration the unique geographical needs of individual fire departments.

Mr. AKAKA. Mr. President, I rise today to offer an amendment to the Homeland Security Appropriations bill to help protect our ports and coasts from fire by making a small change to criteria for spending the appropriations for the Firefighters Assistance Grants program. I thank the floor managers for their assistance and their support.

The amendment has the support of the Federal Emergency Management Agency. The language will permit FEMA the flexibility to give fire boats equal consideration to fire trucks when awarding grants for purchases of fire vehicles under the Firefighter Assistance Grants program.

Ports security is critically important for Hawaii which imports 80 percent of its products. Ninety-eight percent of these products are brought to Hawaii by ship, and about half of these products come through Honolulu Harbor alone.

Many of the Nation's largest cities are located on the water, whether an ocean, a harbor, or a major river or lake, where thousands of people may live or visit. Suburban areas spreading out from a city can also be on the water, having marinas or piers. Commercial ports are essential to our econ-

omy. Ninety-five percent of all U.S. trade flows through the Nation's more than 400 ports.

In a major industrial port area having the necessary marine firefighting equipment could prevent serious consequences for the port, a State, or even the national economy. My state of Hawaii is only one example. Eighty-five percent of all refined fuel products for the North East come from Delaware River ports. If a ship were to burn and sink in the single channel serving the ports the price and distribution of petroleum products in the North East could be seriously affected.

The Firefighters Assistance Grants program under the U.S. Fire Administration is a major source of federal assistance to local fire departments around the Nation. It is a necessary and popular program that has distributed hundreds of millions of needed dollars to fire department nationwide.

Purchases of firefighting vehicles are authorized under the Firefighter Assistance Grant program. However, the U.S. Fire Administration 2003 program guidance does not encourage fire departments to submit grants for fire boats. Fire trucks are given a priority one and fire boats a priority three in the Vehicle Acquisition Program priorities for urban areas. In suburban and rural areas, fire boats are a priority four. Due to funding constraints, the program guidance notes that it is unlikely that vehicles that are not listed as priority one or priority two would be funded.

The Nation's fire boat resources are old and underfunded—a number of fire boats are more than 60 years old. If a fire department decides it wants a fire boat rather than a fire truck to meet its particular fire and disaster response needs it should be able to submit an application to that effect. Such an application should receive equal consideration to an application for a fire truck.

My amendment is revenue neutral. It does not seek to add to the \$750 million appropriated for the firefighter assistance grants' program in FY 2004, although the efforts by Senator BYRD and other Senators to increase the appropriations are timely and worthwhile. Rather, the intent of my amendment to put fire boats on equal footing with fire trucks in the firefighter assistance grants program if the geographic of a local fire department makes the acquisition of a fire boat important to their fire fighting capabilities.

I thank my colleagues for the time, and I look forward to the Senator's support for their amendment.

Mr. BYRD. Mr. President, this amendment has been cleared by the managers on both sides. It provides the Secretary of Homeland Security with flexibility in determining priorities for firefighting vehicles.

I ask unanimous consent that Senator STEVENS of Alaska be added as a cosponsor.

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

Mr. BYRD. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1381) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1382

Mr. BYRD. Mr. President, on behalf of Senator LANDRIEU, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Ms. LANDRIEU, proposes an amendment numbered 1382.

Mr. BYRD. 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 require the Secretary of Homeland Security to submit a report on the air traffic control communications void over the Gulf of Mexico)

On page 75, between lines 5 and 6, insert the following:

SEC. 616. Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a study and submit a report with recommendations to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate regarding the status of the air traffic control communications voids and gaps in tethered aerostat coverage around the United States, such as those existing in the central Gulf of Mexico.

Mr. BYRD. Mr. President, the amendment has been cleared on both sides of the aisle. The amendment provides for a report from the Department of Homeland Security regarding radar coverage gaps at our Nation's borders.

I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to amendment No. 1382.

The amendment (No. 1382) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1383

Mr. BYRD. Mr. President, it was just 1 year ago that the Senate was preparing to begin debate on the creation of a Department of Homeland Security. The September 11 attacks had occurred just 9 months earlier, and fear that more had to be done to protect the homeland pervaded.

In that atmosphere, at a time when few wanted to look too closely at the fine print for fear of being labeled a

stumbling block to the enhanced security of the American people, the administration pushed through a bill to create a huge new Federal department, the Department of Homeland Security.

The budget for the Department of Homeland Security is \$28.5 billion, a level well below that needed to meet the Nation's true and pervasive homeland security challenges. Billions of those dollars are up for grabs in that budget for entities outside the Department, and outside the Government.

The administration repeatedly reminds the American people that the next terrorist attack could come any day, any time, anywhere. Do not think that companies have not noticed. The Department's budget is being eyed like a huge honey pot. Thousands of U.S. companies are reinventing themselves, repackaging products, rearranging priorities, renaming operations, and just plain salivating to cash in on what they hope will be hundreds of billions of dollars in new spending on domestic defense.

Some companies would like to sell their wireless communications systems to Government emergency response agencies. Others are hoping to win a Government contract to produce an antidote for anthrax. Still others are pitching their software as an ideal tool for integrating sensitive computer systems in the defense community. One company is trying to persuade the Federal Government to buy its dial-up video technology to install onboard thousands of airplanes to monitor cabin security. One software giant has already sold its financial management software to the Transportation Security Administration.

Go to the Washington Convention Center and one will find vice presidents of homeland security divisions standing in promotional booths describing homeland security technology that would be ideal for the Homeland Security Department. Publicly, the Homeland Security Department says it will judge businesses upon merit, but that is not stopping the more experienced insiders from quietly gobbling up contracts with the help of Washington's lobbying corps.

The campaign finance research group PoliticalMoneyLine reported last spring that in early 2002 there were 157 companies registered to lobby on homeland security issues. By April 2003, the number had more than tripled to 569, and this month the New York Times reported that the number had grown to 799. A New York Times editorial read, in part, the big boom in lobbying in Washington in the past 18 months has been in the lucrative world of homeland security where the role of new registrants intent on selling the Government antiterror products and services has grown fivefold to 799 and counting.

So lobbying firms are creating whole new departments for the sole purpose of lobbying for homeland security contracts. In fact, the homeland security

lobbying industry has blossomed full flower. The spring rains have not had any impact on them. I failed to set out my tomato plants this year because of the heavy rains, but the rains have not stymied the growth of these lobbying activities.

The Federal Homeland Security Department is still being stitched together while the homeland security lobbying industry has blossomed full flower. Among these lobbyists are a number of former aides to Homeland Security Secretary Tom Ridge who are lobbying on behalf of companies seeking contracts with the new Department of Homeland Security.

Last April, the New York Times reported that at least four of Secretary Ridge's senior deputies at the White House are working as homeland security lobbyists, as is his chief of staff from his days as the Governor of Pennsylvania.

I ask unanimous consent that this article from the New York Times news service be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. BYRD. The Times article is dated April 29, 2003.

I also ask unanimous consent that the New York Times editorial to which I earlier referred, dated July 8, 2003, be printed in the RECORD at the close of my remarks.

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

(See exhibit 2.)

Mr. BYRD. Many Senators may not be surprised by these revelations. It is a well-established practice for former Government workers to lobby their old colleagues. What is alarming about this situation is how quickly Secretary Ridge's former aides stepped into new careers as domestic security lobbyists. Those very people responsible for setting up the Homeland Security Department are the first people standing in line with their hands out. These are the same people who argued so vociferously in favor of rolling back the civil service laws to allow contractors more access to Government work. They said that the new Secretary must have the flexibility to run the new Department, to hire and fire public servants, and now some of those same people are working for the very companies that are competing for homeland security contracts.

The Homeland Security Secretary has promised to put into place strict ethical standards to make sure the agency's decisions are based on merit. I commend him for the promise but I am impatient for the follow-through. Chairman COCHRAN has taken the bold step of not earmarking first responder, science and technology and infrastructure funds for specific communities or specific technologies. This action places a great deal of discretion in the hands of the Secretary and his staff. We must make sure that in allocating

the funds contained in this bill, that the decision making process is fair, even-handed and free of improper outside influence.

So, I am offering an amendment to apply the same ethical post employment standards that apply to Senators and their senior staff to employees of the Department of Homeland Security and the Office of Homeland Security within the White House. All employees who have an income of 75 percent or more of a level II of the Executive Schedule, which is comparable to a Senator's pay, would be prohibited from lobbying the Department of Homeland Security or the Office of Homeland Security for one year. An individual who violates this restriction would pay a civil penalty equal to 100 percent of all gross receipts received by the individual from the conduct that violated the restriction.

The appearance of impropriety is enough to suggest that we cannot wait for Secretary Ridge to issue new ethics rules for his sprawling, young department. The administration has pinned the hopes of the American public on this new department being able to protect them from another terrorist attack, and even the appearance of a conflict of interest undermines the department's mission.

We cannot afford to handicap this new department. I urge the adoption of my amendment.

#### EXHIBIT 1

[From the New York Times News Service, Apr. 29, 2003]

#### FROM RIDGE AIDE TO SECURITY LOBBYIST (By Philip Shenon)

When Tom Ridge arrived here after the Sept. 11 attacks and opened the White House Office of Homeland Security, he quickly surrounded himself with a group of trusted deputies, many of them drawn from the staff he had assembled when he was governor of Pennsylvania.

But when Ridge was sworn in this year as the first secretary of the Department of Homeland Security, many of his inner circle did not follow. They took a spin through Washington's revolving door, emerging as lobbyists whose corporate clients want contracts from Ridge's multibillion-dollar agency.

Lobbying disclosure forms filed in Congress show that at least four of Ridge's deputies at the White House office are now working as "homeland security" lobbyists, as is a chief of staff from his days as Pennsylvania governor.

They are a small part of a booming new lobbying business in Washington that is focused on helping large corporations get a share of the billions of dollars that will be spent by the vast domestic-security bureaucracy that Ridge oversees.

Ridge and the Homeland Security Department, with a budget of about \$40 billion this year, are obvious targets for an array of industries and their lobbyists in the capital.

"My one year is up, so I can lobby him and lobby the White House and lobby the Hill," said Rebecca Halkias, who was Ridge's legislative affairs director in the White House, referring to the one-year ban on contacts between former senior government officials and their colleagues.

Halkias, who also managed Ridge's Washington office when he was governor, is now a

partner in a lobbying company, C2 Group, and congressional filings show that her clients include Tyco electronics, which is eager to sell its wireless communications systems to government emergency-response agencies.

"I'm not really comfortable talking about homeland security lobbying," Halkias said in a brief telephone interview, declining to answer most questions. Asked if she was concerned about any conflict of interest in lobbying Ridge, she said, "This conversation is over," and hung up.

There is nothing unusual about former government workers lobbying their old colleagues. The surprising thing about Ridge's former aides is how quickly they chose to take up new careers as domestic-security lobbyists.

Ridge's spokesmen at the Homeland Security Department said that he was giving no special attention to products that were being promoted by lobbyists who had worked for him at the White House or in Pennsylvania.

The boom in domestic-security lobbying is viewed skeptically by government watchdog groups, which say they intend to monitor closely how the department spends its money and how Congress appropriates money to Ridge.

"Homeland Security appears to be viewed by the lobbying firms as a huge honey pot," said Fred Wertheimer, president of Democracy 21, a group that advocates restrictions on corporate lobbying.

#### EXHIBIT 2

[From the New York Times, July 8, 2003]

#### OPINION: SECURITY AGAINST PORK

The big boom in lobbying in Washington in the past 18 months has been in the lucrative world of homeland security, where the roll of new registrants intent on selling the government antiterror products and services has grown fivefold, to 799 and counting. That is a whole new level of competitive importuning, contact wooing and just plain salivating after this year's \$30 billion budget at the new Department of Homeland Security. The more polished capital lobbyists usually work with some subtlety. Still, as The New York Times' Philip Shenon has reported, some of the pioneers in this burgeoning field talk candidly to potential clients of securing your piece of the homeland security pie, and of offering expertise to avoid the land mines and find the gold mines in homeland security.

Among these post-Sept. 11 lobbyists are several former aides to Tom Ridge, the homeland security secretary. Ridge has assured Congress that these are proven public servants who will have no inside track on reaching and profiting from his agency. The secretary also promised lawmakers two months ago that there would be strict ethical standards to make sure that his agency's contract decisions were based on merit, not political favoritism. Interim rules are in place, the agency emphasizes. The new standards, not yet announced, cannot come a moment too soon for Tim Hutchinson, a former Republican senator from Arkansas who is now a lobbyist. The other day, he sent out an e-mail message inadvertently, by his account about a client, an Arkansas maker of antidotes to germ warfare. The client's Washington schedule includes a meeting with Asa Hutchinson, the lobbyist's brother, who also happens to be an undersecretary of homeland security. The e-mail wound up in the hands of rival lobbyists and, soon after, The Washington Post. Both brothers stress that the meeting will be social, not business. We do not doubt this, thanks to the disclosure of the e-mail note. But we avidly await the tough lobbying standards promised by Ridge to see security from politics estab-

lished as one of the hallmarks of homeland security.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, as I read it, this amendment would single out employees of the new Department of Homeland Security and have different standards for them compared with other executive branch employees.

We have come to appreciate the government-wide ethics standards as representing a level playing field that has been the foundation of other Federal ethic laws as well; a single government-wide system of public financial disclosure requirements where officials, officers, and employees of the Federal Government has been in place for the last 14 years. The government-wide Ethics Act of 1989 created a level playing field for all three branches of Government. This act was a successful bipartisan effort to reform and strengthen Federal ethics standards. The goal of uniformity is a recurring theme in the legislative history of that act.

This amendment would break the equanimity of the current system. When we start treating one Department or Agency different from another, we could end up with a patchwork of different standards, unworkable and unfair, as employees transfer from one Department to another in the Federal Government.

I must oppose the amendment that singles out the new Department of Homeland Security for different treatment than other executive branch agencies and departments.

Mr. BYRD. Mr. President, the able Senator from Mississippi is correct in stating that this provision would apply postemployment standards to more employees at the Department of Homeland Security than other executive departments. The amendment applies the same standard, as I indicated, as is applied to Senators and their senior staffs.

The reason I believe this amendment is appropriate is that the legislation creating the Department gave the Department extraordinary authorities. For example, the Department has extraordinary flexibility with regard to civil service rules and procurement standards. Secretary Ridge and his staff were given unusual discretion and perhaps that is why lobbyists are swarming all over the Department.

I believe my amendment is appropriate. I think it is in the interests of the American people that we adopt this amendment. Congress should do no less. I urge my colleagues to join in voting for the amendment.

Mr. BYRD. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1383.

Mr. BYRD. 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 provide post-employment lobbying restrictions on employees of the Department of Homeland Security and the Office of Homeland Security within the Executive Office of the President)

At the appropriate place, insert the following:

**SEC. \_\_. RESTRICTION OF FUNDING.**

None of the funds made available under this Act or any other Act may be used to pay the salary of an individual who is employed by the Department of Homeland Security or the Office of Homeland Security within the Executive Office of the President at a rate of pay that is equal to or greater than 75 percent of level II of the Executive Schedule, unless that individual signs a contract with the applicable employing department or office under which—

(1) the individual agrees to the restrictions described under section 207(c)(1) of title 18, United States Code; and

(2) in the event that the individual violates such restrictions, the individual agrees to pay a civil penalty equal to 100 percent of all gross receipts received by the individual from conduct that violated the restrictions.

Mr. COCHRAN. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to amendment No. 1383. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. BENNETT) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. MILLER), and the Senator from Arizona (Mr. PRYOR) are necessarily absent.

I also announce that the Senator from Minnesota (Mr. DAYTON) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea."

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

The result was announced—yeas 46, nays 46, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—46

Akaka	Dodd	Landrieu
Baucus	Dorgan	Lautenberg
Bayh	Durbin	Leahy
Biden	Feingold	Levin
Bingaman	Feinstein	Lincoln
Boxer	Fitzgerald	McCain
Breaux	Graham (FL)	McKulski
Byrd	Harkin	Murray
Cantwell	Hollings	Nelson (FL)
Carper	Inouye	Nelson (NE)
Clinton	Jeffords	Reed
Conrad	Johnson	Reid
Corzine	Kennedy	
Daschle	Kohl	

Rockefeller  
Sarbanes

Schumer  
Snowe

Stabenow  
Wyden

NAYS—46

Alexander  
Allard  
Allen  
Bond  
Brownback  
Bunning  
Burns  
Campbell  
Chafee  
Chambliss  
Cochran  
Coleman  
Collins  
Cornyn  
Craig  
Crapo

DeWine  
Dole  
Domenici  
Ensign  
Enzi  
Frist  
Graham (SC)  
Grassley  
Gregg  
Hagel  
Hatch  
Hutchison  
Kyl  
Lott  
Lugar  
McConnell

Murkowski  
Nickles  
Roberts  
Santorum  
Sessions  
Shelby  
Smith  
Specter  
Stevens  
Sununu  
Talent  
Thomas  
Voinovich  
Warner

NOT VOTING—8

Bennett  
Dayton  
Edwards

Inhofe  
Kerry  
Lieberman

Miller  
Pryor

The amendment (No. 1383) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

VOTE EXPLANATION

Mr. INHOFE. Mr. President, on the Byrd amendment, I voted "no," but it was not recorded. Had they recorded my vote, my vote would have been "no."

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

Mr. COCHRAN. Mr. President, my understanding is the Senator from Texas has an amendment.

The Senator from Texas has indicated she is not going to offer the amendment. I told several Senators she was, but she is going to speak after the vote.

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

Mr. DOMENICI. Mr. President, I want to make sure that the chairman of the Governmental Affairs Committee is aware of an issue of the utmost importance to the security of our Nation's homeland, namely the training of our Federal law enforcement officers who are charged with preventing, mitigating and investigating attacks on America.

We have hired a number of federal law enforcement officers since the events of September 11, and we, quite appropriately, continue to hire more. We fail the American people, however, if we don't give these men and women the training necessary to do the job we have asked of them.

Our responsibility does not stop there. We must retrain Federal law enforcement officers whose mission has changed since that fateful day. We must also commit to providing advanced training so these officers will have the most current knowledge and abilities as they take on this Herculean challenge.

We are fortunate to have state-of-the-art facilities for just these pur-

poses located on Glynco, GA and Artesia, NM. The Federal Law Enforcement Training Center is charged with providing basic and advanced training to the law enforcement officers working for the Federal Government. Unfortunately, these facilities are not always efficiently used because there is no centralized authority responsible for the scheduling of training. I believe this problem is easily solved by placing this authority in the hands of the Director of the Federal Law Enforcement Training Center. Would the chairman be amenable to this idea and commit to working toward this goal?

Ms. COLLINS. I agree with the assessment of the Senator from New Mexico of the situation with respect to the training of our Federal law enforcement officers and I am pleased to pledge to work with the Senator to address the problem he has presented. In fact, I believe S. 1245, which was recently reported unanimously out of the Governmental Affairs Committee, may provide the appropriate vehicle for making this change.

Mr. DOMENICI. I thank the distinguished Chairman for her consideration and support for our Federal law enforcement officers. I look forward to working with her to continue to strengthen our homeland security.

VIRGINIA MILITARY INSTITUTE CONTRIBUTION TO HOMELAND SECURITY

Mr. WARNER. Mr. President, I rise today to speak on behalf of the great capabilities that one of the institutions of my State can offer to our Nation in homeland security, and ask my distinguished colleague from Mississippi to consider it as he proceeds through the budget cycle. That institution, the Virginia Military Institute, has for over 163 years provided a unique environment to develop young men and women into citizen-soldiers—leaders with the broad skills necessary to keep America and its values secure regardless of the threats we may face.

In the wake of September 11, 2001, new challenges have arisen for our Nation, not only to our physical well-being but also to the social and moral fabric of our society. As in the past, VMI is responding to help safeguard our country, by preparing civilian, government, and corporate leaders to succeed on the new domestic battlefields of the 21st century. To do so, VMI and the Commonwealth of Virginia are undertaking the establishment of the Center for Preparedness and Homeland Security, which will bring together Federal, State, military, business, and community leaders to undertake research, and develop new policy and response mechanisms to secure our homeland. It will engage in educational curriculum development, training and outreach programs, and national conferences to disseminate policy best-practices as widely as possible. In addition, VMI has already been asked to join one of the handful of distinguished educational institutions compromising the National Domestic

Preparedness Consortium, one of this country's most important assets for training and policy development in the first-responder communities.

Although no additional funding will be available for individual projects through this bill, I have been informed by the Appropriations committee that a new program will be established under the Office of Domestic Preparedness in FY04 for Emergency Training Grants, providing a sum of \$60 million in peer-reviewed competitive grants to develop new capabilities for first-responders and disaster planning. I can offhand think of no educational program which would fit more appropriately into this mission area, and I will strongly encourage VMI to apply for a share of this funding. I would also ask my distinguished colleague from Mississippi to look at the valuable contributions VMI can make in this area and give every consideration appropriate to provide an opportunity for this great institution to secure reasonable resources.

Mr. COCHRAN. Mr. President, I am very familiar with the institution my friend from Virginia speaks of, VMI, and I assure my colleague that I will work with him to ensure that the necessary resources are provided to it.

#### LETTERS OF INTENT

Mr. REED. Mr. President, I rise to engage the chairman and ranking member in a colloquy regarding letters of intent for the installation of airport security equipment.

The bill before us includes \$309 million for the installation of Electronic Detection Systems, also known as EDS, at our Nation's airports, which is an increase of \$309 million over the President's request.

I applaud the inclusion of these funds as our Nation's airports face increased security demands and limited growth in passenger traffic revenues in the wake of September 11. My State's airport authority, the Rhode Island Airport Corporation, RIAC, was amongst the first airports to have EDS screening of all passenger bags. However, RIAC was forced to place these large machines in the terminal waiting area at my State's main airport, T.F. Green, causing significant disruption. Since that time, RIAC and my office have worked to make sure that the TSA and FAA are aware of this situation and the need for Federal assistance to modify the terminal at T.F. Green to increase the efficiency of the facility, the security of the EDS machines, and ease of passenger movement.

I would ask my colleagues, the Senators from Mississippi and West Virginia, if it is their understanding from the Transportation Security Administration that the level of funding included in this bill is sufficient to meet the needs of airports such as T.F. Green which are far along in the planning process and that the TSA believes that it cannot expend more than the \$309 million in fiscal year 2004?

Mr. COCHRAN. It is my understanding from the TSA that the \$309

million for LOI's in our bill is sufficient to meet the expected demands of airports that are ready to begin formal design and construction.

Mr. BYRD. I concur with the distinguished Chairman's assessment and support the Senator from Rhode Island's efforts to assist his State's airport.

Mr. REED. I thank my colleagues for providing this level of funding, and I look forward to working with them to ensure that our Nation's airports can successfully meet their security needs.

#### BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT

Mr. REED. Mr. President, I rise to engage the chairman and ranking member in a colloquy regarding the increasing demand for investigative work by the Bureau of Immigration and Customs Enforcement in Rhode Island.

Neither the Bureau nor its predecessor, the U.S. Customs Service, has stationed a permanent investigator or special agent in Rhode Island. Several years ago, two special agents were designated to serve my State but were stationed in Boston, where they have frequently been pulled away to other duties.

Without a permanent investigative presence in Rhode Island, serious and growing challenges remain unaddressed, including financial crimes, money laundering, and the smuggling of narcotics and other contraband that enter by marine vessels and on international flights at Rhode Island's T.F. Green Airport.

The legislation before us includes an additional \$20,300,000 to increase investigations staffing for the Bureau of Immigration and Customs Enforcement. I applaud the chairman and ranking member for providing these funds and for including language in the committee report recognizing the need to devote additional resources to the core investigative missions of the Bureau. I would ask my colleagues, the Senators from Mississippi and West Virginia, to join me in urging the Bureau to ensure that Rhode Island and other underserved States receive a permanent investigative presence to meet these growing challenges.

Mr. COCHRAN. Mr. President, I thank the Senator from Rhode Island for bringing this important issue before the Senate today. The committee report that accompanies this Homeland Security appropriations bill calls on the Bureau to review staffing nationwide and to submit a comprehensive deployment plan, to include existing and newly funded positions. We expect the Bureau to use these additional staffing resources to address any pressing needs.

Mr. BYRD. I concur with the remarks of the distinguished chairman and I support the interest of the Senator from Rhode Island in establishing an investigative presence in his State. There is no substitute for having investigators and special agents on the ground who are closely familiar with

the ports of entry and organizations they are required to monitor.

Mr. REED. I thank my colleagues for their support, and I look forward to working with them to ensure that the Bureau of Immigration and Customs Enforcement can successfully meet its investigative responsibilities in Rhode Island and throughout the Nation.

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

• Mr. LIEBERMAN. Mr. President, this first appropriations bill for the Department of Homeland Security should have been a highpoint in our shared quest to secure the homeland. In the anguished days after September 11, Members of both parties were able to unite around our commitment to fight for a different, more secure future. The new Department of Homeland Security, DHS, should be a monument to that commitment. But the Department and its partners cannot make a difference without real resources to fight terrorism here at home. This bill does not provide those resources, and it does not provide them because the President has refused to lead on this issue.

We are fighting a war on terrorism that demands our full energy and determination. It must be waged not only overseas, but also at home. Yet President Bush has repeatedly balked at carrying out a serious effort at homeland defense. In the face of numerous expert reports chronicling the terrorist threat to U.S. citizens and property here at home—and the need for a dramatic infusion of new Federal funds—President Bush has consistently failed to embrace the challenge of homeland security with vision or resources.

Recall that President Bush had to be dragged to the table to consider a Department of Homeland Security. For months, President Bush rejected calls by myself and others to create a Cabinet-level department that could robustly tackle the daunting challenge of homeland security. Critical time was lost as the administration continued to insist that the monumental task of securing our homeland could be handled by a policy advisor in the White House without budget or line authority over any of the Federal workers tasked with our homeland security. But when the administration changed tacks and signed onto the idea of a new department last summer, I welcomed them to the cause. And when the legislation was passed to create the department, I held out hope that the administration would now vigorously address the vulnerabilities in our homeland defenses.

Sadly, that trust was misplaced. Having belatedly agreed to create the Department of Homeland Security, the President now refuses to seek the resources DHS—and its partners at the State and local level—must have in order to succeed. Even before the legislation to create the department went through, I had urged the White House

to boost spending on critical homeland security programs. Yet throughout the last appropriations cycle, the administration resisted repeated Democratic attempts to obtain more resources for first responders and other critical homeland security accounts. Whether the question was equipping our first responders, bolstering our border personnel or money for transit security—to cite just a few items—the administration kept saying no.

Then, in February, with the Department of Homeland Security nearly launched, the President sent the Congress a status quo budget for homeland security for fiscal year 2004—requesting only \$300 million more than it planned to spend on homeland defense activities in the preceding year. Incredibly, the President's request included no new money for first responders, no new money to equip our hospitals and public health clinics to combat bioterrorism, and no money at all for port security grants. The President's proposed budget actually cut funds for the Transportation Security Administration, TSA, an agency whose urgent work is just beginning. It provided almost no money to assess and help protect our Nation's critical infrastructure. It was a business-as-usual budget, when we needed a call to arms to address the dire new threats confronting us. And that timid request drove the budget debate this spring and shaped the broad contours of the appropriations bill before us.

I can hardly overstate the gravity of this failure to lead. The Federal Government may have no more fundamental obligation than to provide for the common defense. Today, as September 11 so painfully showed us, that means more than building a strong military and deploying our outstanding servicemen and women in hot spots around the world. Now, it also means securing our borders and, within the country, building a network of shared security with our State and local governments. We must equip and empower our frontline homeland defense workers—be they Customs inspectors, baggage screeners, local police and firefighters or public health professionals—just as robustly as we have readied our soldiers, sailors, and airmen for combat overseas.

Homeland security is expensive. We must invest in the people and the technologies that can prevent or help respond to terrorism, and that means making substantial new investments in our services and infrastructure. We must employ, train and equip top-flight first responders. We must hire more border personnel, create biometric security systems, install information sharing networks and develop biological and chemical testing and treatment capabilities. Securing the Nation's ports, as well as chemical and nuclear plants, must become a top priority. In transportation, we must move beyond aviation and also secure mass transit, highways, rails, air cargo, con-

tainer shipments, pipelines, tunnels, and bridges. Dollars alone will not solve these challenges, but they certainly cannot be conquered without more resources. Nor should we ask State and local governments, who are already facing the worst fiscal crises in decades, to shoulder an unfair portion of the burden. The war against terrorism is a national fight, and a substantial portion of the financial responsibility falls to the Federal Government.

That is why, in February, I called for an additional \$16 billion for homeland security in fiscal year 2004, including an additional \$7.5 billion for grants for first responders. My proposal advocated significant new resources for port security grants, public health preparedness, heightened security in all modes of transportation, critical infrastructure protection, and more. I argued that we must approach homeland security with the same urgency, and resources, that we would deploy against terrorists overseas. In the same vein, last month I sought to authorize \$10 billion for first responders in fiscal year 2004 during consideration of S. 1245, a bill to improve the process for distributing first responder grants to State and local governments, in the Governmental Affairs Committee. Unfortunately, my amendment was rejected on a party-line vote.

An expert task force has recently delivered the same message about the urgent needs of our first responders. An Independent Task Force of the Council on Foreign Relations, led by former Senator Warren Rudman and former White House terrorism adviser Richard Clarke, called for billions more to equip and train the Nation's first responders. The report's title says it all: "Drastically Underfunded, Dangerously Unprepared." The task force, which included a former Director of the FBI and CIA as well as a former Chairman of the Joint Chiefs of Staff, found a nation still "dangerously ill-prepared to handle catastrophic attack on U.S. soil." It found fire departments without proper breathing apparatuses and interoperable radios, cities without the means to determine whether terrorists had struck with dangerous chemicals or other hazardous materials, and public health labs incapable of responding to a chemical or biological attack. This expert task force concluded that government would need to spend an additional \$98.4 billion over 5 years to prepare the Nation's first responders. The administration's response to the warning from this respected commission? The administration brushed off the report's spending recommendation as "grossly inflated."

The administration simply cannot be listening to our first responders. Far from seeming inflated, the funding recommendations of the task force report only corroborated what I have heard from first responders around the country, including testimony before the Governmental Affairs Committee.

First responders need equipment such as personal protective clothing, respirators, and devices for detection of chemical, biological, and radiological hazards. They need training to use such equipment effectively and to learn how to respond to a serious terrorist attack. However, local fire and police officials at our hearings told the committee that they do not have the resources to pay for training or equipment that they need to prepare for a possible attack.

For instance, Captain Bowers of Prince Georges County, MD, told the Governmental Affairs Committee that approximately 57,000 firefighters lack personal protective clothing and many fire departments do not have enough portable radios to equip more than half of the firefighters on shift. Indeed, most emergency workers still do not have the training or the equipment they require. State and local governments and first responder organizations cannot train and equip these personnel on their own, and they are not getting the help they need from the Federal Government. The administration's own budget documents estimate that only about 80,000 first responders were trained and equipped in 2002 with funding at the Federal level of \$750 million.

Unless this administration provides significantly more funding, it will take us decades to train our first responders to cope with weapons of mass destruction. That is time we do not have.

First responders are not the only homeland workers left in the lurch by this administration. Independent experts and the General Accounting Office, GAO, have cited substantial shortfalls in other areas of homeland security as well. Transportation security is one glaring example. By law, the Transportation Security Administration is responsible for security in all modes of transportation. But TSA has thus far focused almost exclusively on commercial aviation, leaving treacherous weaknesses in other transportation systems—a problem I outlined in a July 9 letter to Secretary Ridge. With respect to maritime transportation, the Coast Guard has identified billions of dollars worth of necessary improvements—and Congress has mandated greater security—yet the administration requested no money for port security grants to help make the changes. This even as expert upon expert has identified the Nation's 360 commercial ports as a leading cause for concern on the homeland front—in large part because of the valuable goods and energy imports channeled through these ports and because the millions of containers that enter this country by sea can hide untold dangers.

Stephen Flynn, a homeland security specialist at the Council on Foreign Relations, summed it up this way in the June 21 Boston Globe:

A government that is wringing its hands over 1 or 2 million-dollar grants is still a nation that hasn't come to grips with the fact

that the threat has changed. I was more forgiving in the first 18 months, but when you pass an act and you make sure there is no money to execute it, that goes beyond being slow to not taking this seriously.

Mass transit systems are another grave source of concern. According to a December 2002 GAO report, mass transit systems are frequent targets for terrorists. We all remember the 1995 attack on the Tokyo subway, when members of a Japanese cult released sarin, a lethal chemical nerve gas, on five subway trains during rush hour. Twelve people were killed and thousands injured. Only mistakes by the terrorists kept the death toll from being far higher.

Here in the United States, our transit systems remain vulnerable to such an attack. The GAO report concluded that "insufficient funding is the most significant challenge in making . . . transit systems as safe and secure as possible." Yet the administration is not seeking any significant resources to secure our Nation's transit systems—a project that could run into billions of dollars. Nor do we see a commitment to improve rail security, although vast quantities of hazardous materials are shipped by rail. Even in the area of passenger aviation, where TSA has focused virtually all its resources, troubling gaps remain. Officials have made strides in screening passengers themselves and their baggage, yet they have not developed a reliable system to screen commercial cargo loaded onto the very same planes.

Look in almost any direction, and you will find pressing, unmet security needs. The administration's budget will not fulfill existing congressional mandates to secure the borders with more personnel and better, biometric identification systems. Our Nation's critical infrastructure—chemical and nuclear plants, energy grids, water systems and more—remain dangerously exposed, yet the administration seems content to continue studying these vulnerabilities rather than move aggressively towards creating greater protections.

In March, I wrote to Secretary Ridge seeking firm timetables for completing inventories, risk assessments and protective measures for a wide array of critical infrastructure segments. The Secretary has yet to provide these timetables.

These shortfalls are disturbing enough when taken in isolation. Seen together, they form a shockingly dismal picture of our homeland security. That is why former Senators Gary Hart and Warren Rudman, who were the first to call for a Department of Homeland Security and who warned of terrorist attacks within the United States even before the September 11 tragedy, last fall issued a new report warning that: "America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil." They concluded the Federal Government must invest more to equip and train first responders, to boost the

health community's capacity to prepare for and respond to chemical or biological attacks, and to improve transportation security beyond commercial aviation. Several months later, an expert study by the Brookings Institute came to a similar conclusion: The Administration was shortchanging key homeland security accounts such as port security and critical infrastructure protection.

Even Republicans here in Congress have called for more. Indeed, this bill does go beyond the President's request to provide some additional funds for certain homeland security accounts. But the appropriators do not go nearly far enough. So, as our firefighters and police officers face layoffs due to tight budgets, this bill would offer even less assistance to first responders than in fiscal year 2003. And as the Coast Guard predicts it will cost \$1 billion this year to conduct the most basic port security assessments and improvements, this bill provides only \$150 million for port security grants and would not give Coast Guard the personnel it needs to carry out its statutory mandate to review port security plans. It makes no sense to me that the Bush administration is willing to shortchange homeland security. This is a profound failure of leadership that threatens to undermine our promise to the American people to do all we can to ensure this country never again suffers the tragic loss and disruption experienced on September 11 and its aftermath.●

Mr. AKAKA. Mr. President, I rise today to speak in favor of the disaster mitigation programs as funded in the fiscal year 2004 Homeland Security appropriations bill.

The Federal Emergency Management Agency, FEMA, currently has two programs for disaster mitigation, a pre- and postdisaster program. Since 2001, the administration has sought to combine these two programs into one predisaster program. In response to the administration's initiatives, I asked the General Accounting Office, GAO, to examine the administration's proposed changes. The GAO report, released in 2002, concluded that FEMA's mitigation programs, "differ substantially in how they have sought to reduce the risks from hazards but each has features that the State emergency management community believes has been successful for mitigation."

Congress funded both programs in fiscal year 2002 and fiscal year 2003. In addition, the Senate and House Homeland Security appropriations reports for the fiscal year 2004 Homeland Security appropriations speak highly of both programs. The Senate report noted that the committee thought the post-disaster program had been "very successful and will continue to be a valuable tool in the disaster relief process." The report goes on to say the committee "has also continued funding for the national pre-disaster mitigation fund, believing that a balance in pre- and post-disaster mitigation funds allows for

greater flexibility in emergency management at the local level."

The House Appropriations Committee also reviewed the two programs favorably. The House committee report said the "postdisaster hazard mitigation grant program is an effective mechanism to ensure mitigation activities are undertaken when the need is most apparent, which is immediately after a disaster strikes. When used in conjunction with the pre-disaster mitigation grant program, a comprehensive mitigation strategy can be accomplished."

I look forward to Congress's continued support for these two important programs.

Mr. DODD. Mr. President, I thank the chairman and ranking member as well as Senator STEVENS for working with me on my amendment that was approved unanimously last night by this body. This amendment had two parts: first, it would allow the Coast Guard Research and Development Center to maintain the funding level necessary to keep it functioning at current capacity; and second, it would mandate a comprehensive review of the Coast Guard's system for developing new technologies to meet the fleet's needs.

This legislation is critically important because without it, the Coast Guard R&D Center's exceptional scientists, researchers, and other employees, who work under the excellent leadership of CPT Francis Dutch, would not receive paychecks for the work they do in 2004. Basic operations and maintenance would be left unfunded and might cease in the coming fiscal year. The work that is done at this facility is first rate. With a minimal \$13 million budget for operations and maintenance, our Coast Guard tracks down cutting-edge technologies to support its various missions for maritime safety, search and rescue operations, drug interdiction, and even new homeland security missions.

I am pleased that Senators STEVENS, COCHRAN, and BYRD have supported my amendment which also calls for a study to explore the Coast Guard's ability to gain access to the most advanced technology necessary to perform its mission effectively. The GAO and several independent policy institutes are joining a growing chorus of experts suggesting that more needs to be done to protect our Nation's ports. Among some of their findings is that the Coast Guard may currently be inadequately prepared to keep pace with its expanding missions. This is a significant conclusion given that our ports are principal access points for the Nation's commercial shipping and import/export traffic.

My amendment will mandate indepth study of the Coast Guard's processes for developing new technologies and will require recommendations to address shortfalls in the Coast Guard's current science and technology apparatus. It is critical that an independent

policy institute provide such comprehensive analysis to improve the Coast Guard's approach to innovative research and development. With this information, we can assure that the Coast Guard remains on the cutting edge of crucial technology development and make certain it takes a proactive approach to addressing our nation's many port security challenges.

I ask unanimous consent that two letters be printed into the RECORD at this time.

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

U.S. SENATE,  
Washington, DC, June 10, 2003.

Dr. DENNIS MCBRIDE, President,  
Potomac Institute for Policy Studies, Arlington,  
VA.

DEAR DR. MCBRIDE: As the nation seeks to secure its homeland from both traditional and emerging threats, the importance of the U.S. Coast Guard's mission will certainly grow and evolve. As one result of this maturation process, the Coast Guard must examine new ways to increase its research and development (R&D) and enhance its abilities to transition effective technologies to the fleet.

I am concerned about the Coast Guard's ability to develop new technologies that will keep pace with the service's expanding missions. But perhaps more importantly, I am concerned about the potential requirements of the Coast Guard vis-à-vis the new Department of Homeland Security (DHS), and its relationship with the Department's Homeland Security Advanced Research Projects Agency (HSARPA).

As I understand it, up until last year, discretionary spending for Coast Guard R&D averaged a yearly budget of \$10 million, compared to its counterpart in the Navy, the Office of Naval Research, whose annual discretionary budget totals approximately \$1 billion. The scarcity of resources forced the Coast Guard to develop an R&D architecture that emphasized adaptations of commercial-off-the-shelf (COTS) technologies or *ad hoc* relationships with other government agencies to find Coast Guard applications for already existing equipment. While resourceful, this way of thinking is certainly not indicative of the government's new mindset for providing a comprehensive homeland defense. For example, the challenges posed by vulnerabilities in our nation's ports necessitates that the Coast Guard replace its apparently reactive approach to R&D with a more proactive methodology.

It is urgent that the Coast Guard R&D system undergo a comprehensive evaluation of its current structure. I am writing to request the assistance of the Potomac Institute for Policy Studies in examining the evolving management of science and technology development for the USCG, and to help develop an architecture for its future. The Institute's track record and its unique, demonstrated ability to address these issues are very clear. I strongly encourage you to bring to bear the necessary skills that are required to pursue such a study in the immediate term, and to work with the appropriate components of the Administration in doing so. I look forward to working with you on this important endeavor, and to securing support for the Institute on this effort.

Sincerely,

CHRISTOPHER DODD,  
U.S. Senator.

POTOMAC INSTITUTE FOR  
POLICY STUDIES,  
Arlington, VA, June 26, 2003.

Hon. CHRISTOPHER DODD,  
U.S. Senate, Washington, DC.

DEAR SENATOR DODD: The Potomac Institute for Policy Studies, a not-for-profit think-and-do organization, appreciates your request for assistance and gratefully accepts the challenge. Examining the evolving management of science and technology (S&T) development for the U.S. Coast Guard (USCG) is a matter of serious importance, one that the Institute has considered at great length. There has never been a more appropriate time to undertake such a study, and the Institute's track record and unique ability make it a logical home for such a project.

Potomac understands the need for an appropriate and comprehensive set of technologies to counter emerging threats and new missions. Our work with the New York Police Department (NYPD) and other first responder organizations enables us to understand the role of the Coast Guard as law enforcement entity, while our ongoing, extensive work with the Services gives us insight into the USCG's role as a military organization. It is of fundamental importance, as you clearly recognize Senator, that the Coast Guard is nationally unique as a law enforcement as well as a naval/military organization. This unique combination is of vital importance for our future; and the Coast Guard must establish and sustain a clear and decisive technological edge.

The Institute has examined ways to increase effective research and development yield and technology transition for many of this nation's top S&T organizations including the Defense Advanced Research Projects Agency (DARPA), the Office of Naval Research (ONR), and NASA, and we will bring such knowledge and experience to bear on this project. Our endeavors have ranged from leading extremely important science efforts for the National Academy of Sciences (NAS), the National Research Council (NRC), and the National Science Foundation (NSF), to conducting highly visible Congressional policy studies, as with our examination of the nation's competitive status in shipbuilding. We are proud to have been awarded for example, the editorship of the Review of Policy Research, a testimony to our fierce objectivity and pragmatic-oriented scholarship.

The most appropriate time for this comprehensive, organizational thought process is now. The future entails more than technology transition to Service field-use as we have learned it and practiced it so well over the years. Defense of the homeland requires very sensitive consideration of myriad domestic and international variables that are specific to our homeland as well as those that are traditional to the military services. The technologies and their deployment in so many ways will imply "business that is not at all as usual."

Thank you for your support and your interest in this timely topic. We look forward to working with you, the Coast Guard, and your staff on this extremely important endeavor.

Very respectfully,  
DENNIS K. MCBRIDE,  
President.

AMENDMENT NO. 1318

Mr. AKAKA. Mr. President, I rise today in strong support of the Senator from Nevada, Mr. REID, who is offering an amendment to establish \$20 million in grants to protect tourist populations. This amendment will ensure that homeland security funding allocations properly reflect a State's population, including its tourist population.

Currently, Federal first responder funding is based on a State's permanent population. States with large tourist populations are left with the responsibility for protecting a larger number of individuals than is reflected by the funding they receive from the Federal Government. As a result, first responders in these States face severe funding shortfalls. We need to ensure that methods for allocating Federal assistance for homeland security, especially first responder funding, considers the resources needed to protect each and every individual in a State.

Tourists represent a significant proportion of the population in many States. This is especially true for Hawaii, where, at any given time, there are over 160,000 tourists in the State.

Since the current first responder grant formula does not account for tourist populations, Hawaii is responsible for protecting 13 percent of its total population without Federal assistance.

This funding is critical for all States with significant tourist populations. For this reason, I am pleased to have worked with Senator COLLINS, chairman of the Governmental Affairs Committee, to include language in S. 1245, the Homeland Security Grant Enhancement Act of 2003, to ensure that tourist populations are fully addressed in first responder funding. This bill favorably passed out of committee unanimously. The Reid amendment builds on S. 1245 by providing the additional funding needed to protect tourist populations in Federal first responder funding.

Federal funding for homeland security should fully account for the total population in a State, including tourist populations. I urge my colleagues to support this amendment.

Mr. MCCAIN. Mr. President, as with every appropriations bill, I come to the floor of the Senate to speak about the objectionable provisions that are often hidden in the text of the legislation. Just last week, I spoke at length about all the wasteful spending in this year's Defense Appropriations Act. However, I must commend the Appropriations Committee—especially the distinguished Senator from Mississippi—for their efforts in reporting out of committee a Homeland Security bill with minimal earmarks or unrequested spending. Seeing as this is the first ever Homeland Security appropriations bill, I am very encouraged that my friends on the Appropriations Committee resisted the urge to load this legislation with unrequested spending. I urge my colleagues to ensure the bill remains this way as it progresses through conference.

The Department of Homeland Security plays a crucial role in our Nation's defense. In no place is the role of our Department of Homeland Security more vital than in protecting our Nation's borders.

Waves of undocumented immigrants still cross the border daily, leaving a trail of death and destruction in their wake. Those who survive the journey place enormous strains on the residents of Arizona and other border States. All aspects of life for the residents of Arizona are affected by costs of illegal immigration. The situation has gotten so desperate along the border, a group of citizens has resorted to vigilante actions to defend the borders because they believe the Federal Government has failed them. While I believe the actions of these groups are dangerous, they illustrate the dire situation faced by the residents of Arizona. It is vital that we continue to increase resources, particularly manpower and improve the technology along our borders. I am particularly encouraged by the development of new technologies such as Unmanned Aerial Vehicles, UAVs, which may prove extremely useful in patrolling the areas between our ports of entry.

This bill provides much-needed funding for our Nation's borders. However, money alone will not solve this problem. The militarization of our borders is not the answer. As long as there are better paying jobs in the United States, there will be a steady supply of people coming into this Nation looking for work. Legal immigration plays an important role in contributing to the economic growth and prosperity of our Nation. Our Nation's tradition of legal immigration must be respected while the Federal Government works to solve the problems along the border. One solution to the problem that will address our Nation's national security needs and prevent further deaths in the Arizona desert is to enact comprehensive immigration reform. This is not just an issue that affects those residing in border States, it affects all Americans. We must work together to address this situation.

Despite the overall lack of objectionable provisions in this legislation, I would like to express my concern about the committee's decision to move funding for the Assistance to Firefighters Grant, FIRE grant program, from the Department of Homeland Security's Emergency Preparedness and Response Directorate to the Office for Domestic Preparedness. As the chairman of the authorizing committee of jurisdiction, I am familiar with the success of the Assistance to Firefighters Grant Program. FIRE grants are made directly to local jurisdictions after their applications undergo a competitive, merit-based process. FIRE grant recipients use such funds to help meet their basic needs for equipment and training to respond to "all-hazards," including wildfires, tornadoes, floods, and structural fires—not just antiterrorism efforts. I am concerned that the Office for Domestic Preparedness, ODP, has no experience with the basic needs of firefighters or administering a program like the FIRE grant program.

I wish to acknowledge that the administration's budget submission seeks

to move this grant program over to ODP, while promising to administer the grant program in a manner similar to that which is done now, with an interest in ensuring that there is one-stop shopping and better coordination for emergency preparedness grants. I understand that goal and am more than willing to work with my colleagues to ensure better coordination of our emergency preparedness efforts. In fact, just last month, the Commerce Committee reported legislation to reauthorize the U.S. Fire Administration and improve coordination and training for first responders. That legislation is the appropriate vehicle to consider any programmatic changes, instead of this or any other appropriations bill.

I am also disappointed that the Senate choose to accept a "Buy America" provision by voice vote. I firmly object to all "Buy America" restrictions, as represent prime examples of protectionist trade policy. I continue to be very concerned about the potential impact of our restrictive trade policies with our allies. From a philosophical point of view, I oppose these types of protectionist policies. I believe free trade is an important element in improving relations among all nations and essential to economic growth. From a practical standpoint, "Buy America" restrictions could seriously impair our ability to compete freely in international markets and also could result in the loss of existing business from long-standing trade partners. Buy America" provisions cost our Department of Defense over \$5.5 billion each year, I do not want to see the same problems arise with the Department of Homeland Security. I urge the removal of this provision during the House-Senate conference.

Once again, I thank the appropriators for their diligence in passing a relatively clean homeland security appropriations bill. I ask unanimous consent that a copy of the objectionable provisions I have found in this legislation be printed in the RECORD. I hope that this continues with future appropriations.

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

2004 HOMELAND SECURITY APPROPRIATIONS  
BILL

OBJECTIONABLE PROVISIONS IN THE BILL  
*Transportation Security Administration*

\$210 million for Maritime and Land Security.—

Explanation: The bill would provide \$295 million for Maritime and Land Security which is \$210 million above the President's FY2004 request. Within this amount the bill would provide \$150 million for port security grants not requested by the Administration. In addition, the bill would provide \$30 million for Operation Safe Commerce, an increase of \$27.5 million over the President's request. The accompanying report further describes the appropriators' intentions for the Operation Safe Commerce funds.

Explanation: Provides money for port security grants and for Operation Safe Commerce. Operation Safe Commerce is a pro-

gram intended to serve as a test-bed for new techniques to increase the security of container shipments—from the point of destination through the supply chain to the point of origin. Operation Safe Commerce is not, and has never been, authorized. Report language would expand the program beyond the original pilot program ports—the ports of Seattle and Tacoma, Los Angeles and Long Beach, and the Port Authority of New York/New Jersey. This is objectionable because it is a policy change that has not been reviewed by the authorizing committee.

\$10,000,000 for Intercity Bus Security. Explanation: This money was not requested by the President.

\$25,000,000 for Trucking Industry Grants. Explanation: This money was not requested by the President.

\$13,000,000 for Hazardous materials permit program/truck tracking. Explanation: This money was not requested by the President.

\$4,000,000 for nuclear detection and monitoring. Explanation: This money was not requested by the President.

*U.S. Coast Guard*

The bill provides \$18 million to repair bridges under the Truman-Hobbs Act and the report further earmarks these funds to the following specific bridge projects: \$5 million for the Florida Avenue Railway/Highway bridge in New Orleans, LA; \$1.5 million for the EJ&E railroad bridge in Morris, IL; \$2 million for the John F. Limehouse bridge in Charleston, SC; \$2.5 million for the Chelsea Street Bridge in Boston, MA; \$2,500,000 for the Sidney Lanier Highway Bridge in Brunswick, GA; and \$7 million for the Fourteen Mile CSX Railroad Bridge, Mobile, AL. Explanation: The Administration did not request this funding and the bridges earmarked are not necessarily the bridges with the greatest need to be altered under the Truman-Hobbs Act. These earmarks continue a trend where only bridges in select states annually are funded without undergoing a need or risk-management based process.

The bill states that funds for bridge alteration projects conducted pursuant to the Truman-Hobbs Act shall be available for such projects only to the extent that the steel, iron, and manufactured products used in such projects are produced in the United States, unless contrary to law or international agreement, or unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable.

The report earmarks \$4 million to assist the Coast Guard in transitioning its voluntary ballast water management program to mandatory enforcement. Explanation: This money was not requested by the Administration, and the Coast Guard currently is in the process of drafting regulations to transition its ballast water management program from a voluntary program to one that is mandatory.

The report contains language adding \$12 million in funding for the Coast Guard's 17th District in Alaska and contains language directing the Coast Guard to fund a total of seven Marine Safety and Security Teams (MSSTs) while the Administration only requested funding for six. Explanation: The Administration requested six new Marine Safety and Security Teams (MSSTs) in its budget request for Boston, San Francisco, Honolulu, San Juan, San Diego, and New Orleans. It appears this additional funding will create a seventh unrequested MSST for Alaska.

The report adds \$202 million for the Coast Guard's Integrated Deepwater system project. Explanation: The Administration requested \$500 million for the Coast Guard's Integrated Deepwater system project which is

approximately \$50 million less than the national Deepwater plan requires. The General Accounting Office (GAO) reported in March 2003 that if the Administration's FY04 Deepwater request is enacted, the Deepwater project will have a cumulative \$202 million shortfall. This additional \$202 million increase would erase this shortfall and get the Deepwater project back on schedule.

The report earmarks \$40 million to acquire and install a shore-based universal Automatic Identification System (AIS) coverage system in ports nationwide. Explanation: The Administration did not request this funding. While the Maritime Transportation Security Act (MTSA) of 2003 requires the Automatic Identification System (AIS) carriage by vessels to be phased in beginning in 2003, the Coast Guard is in the process of analyzing its shore-based coverage requirements and has not determined what the system design or calculated its costs. This \$40 million is not based on any in-depth analysis and is simply a guess.

TITLE IV—ASSESSMENTS,  
PREPAREDNESS, AND RECOVERY  
*Federal Law Enforcement Training Center  
(FLETC)*

Salaries and Expenses. Explanation: \$50,357,000 above the President's request to cover additional student weeks of basic training.

Acquisition, Construction, Improvements, and Related Expenses. Explanation: \$5,029,000 above the President's request to construct an indoor/outdoor firearms range at FLETC's Artesia, New Mexico, location

Office for Domestic Preparedness. Explanation: \$15,000,000 above the President's request for emergency management performance grants.

Cerro Grande Fire Claims. Explanation: \$38,062,000 above the President's request for Cerro Grande fire claims settlement.

DIRECTIVE LANGUAGE FOUND IN THE FY 2004 DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT

The Under Secretary of Transportation and Border Security is directed to provide a comprehensive report to the Committee describing the specific measures taken by the Department and its legacy agencies since September 11, 2001, to enhance security at the northern border. The report should include a discussion of (1) increased personnel deployment, technological improvements, and enhancements in interagency coordination; (2) measures for improvement of northern border security authorized by the Congress that the Department has not yet undertaken; and (3) aspects of northern border security requiring additional resources and focus. Because of the sensitive nature of many aspects of this report, the Department should provide both an unclassified and, if necessary, classified version of the report.

The Department is expected to submit a plan that explains the privacy policies that will be put in place to protect the information that is housed in the U.S. VISIT system. Both the expenditure plan and the privacy plan shall be submitted to the Committee no later than 45 days after the enactment of this Act.

The Committee directs BCBP to review staffing nationwide, and to submit a comprehensive deployment plan to include existing (direct and fee funded) and newly funded positions. Included in the amount recommended by the Committee is continued funding at the fiscal year 2003 level for part-time and temporary positions in the Honolulu Customs District.

The Committee directs BCBP to submit a deployment plan to the Committee for the new agents provided, and to ensure that this

plan is coordinated with construction projects.

The Committee directs BCBP to quickly implement deployment of the systems as planned and to submit a report to the Committee no later than October 1, 2003, on the progress made in meeting this goal.

The Committee directs the Department to work with the General Services Administration to develop a nationwide strategy to prioritize and address the infrastructure needs at the land ports-of-entry and to comply with the requirements of the Public Buildings Act of 1959 to seek necessary funding.

In addition, BCBP should review the priority funding list for construction projects for the Border Patrol, and submit to the Committee an updated plan no later than July 1, 2004.

The Committee expects BICE to review staffing nationwide, and to submit a comprehensive deployment plan, to include existing and newly funded positions.

The Department is directed to submit to the Committee an annual review of the program. This review should include a discussion of its effectiveness, compliance by certified schools, status of compliance reviews, the rate of student non-compliance, and the results of investigations. The first report is to be submitted by December 31, 2003.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I will speak for a couple of minutes about the big State formula in the Department of Homeland Security. I am not going to take long. It is very important we address the issue of the formula in the bill just passed.

The formula is not fair to the large States where the greatest risk is. The large States generally have the larger population centers which generally have the highest risk for homeland security. Yet the formula under which we are proceeding is a formula that takes away from our 13 largest States because of a floor put in for the smaller States. I don't think any of the large States want to be totally whole but the large States would like to have more of a fair shake than the formula underlying in this bill.

I hope the Senate will agree to hear the bill that has come out of the Committee on Governmental Affairs which does authorize new formulas and will seek to change the formulas in a way that is more fair. To give a couple of examples, the State of California on a strict population basis would get \$216 million; the State of California has a long coastline, they have major cities, they certainly have a high-risk designation. Under the bill, they will get \$146 million for a deficit to California of \$64 million. Georgia should get \$53 million; it would get \$46 million for a deficit of \$5 million. New York should get \$118 million; it will get \$86 million for a deficit of \$28 million. My home State of Texas should get \$134 million; it will get \$96 million for a deficit of \$34 million.

This does not make sense. It does not pass the fairness test. The large States do not ask for complete parity but we do ask for fairness. There is a formula we used in the State aid package in the most recent tax cut legislation that

does not give the big States full parity but it does give them a much more fair formula.

That is what I intended to offer in the bill. It would have been subject to a point of order, so I withheld. But I am serving notice that I, along with Senators VOINOVICH, SPECTER, DEWINE, SANTORUM, WARNER, CHAMBLISS, CORNYN, and LEVIN, am going to re-address this issue and hope that everyone will come together, small States and large, for something that is fair to the States that are at the highest risk.

That is a very important component of securing our homeland. If we are going to leave our biggest States and biggest cities vulnerable, that is not protecting the part of our country that is most at risk.

I thank you, Mr. President. I am serving notice we will try to address this issue in the bill. I ask the majority leader and minority leader to please assure that we will address this issue in the bill that has come out of the Governmental Affairs Committee so that we can correct this inequity.

I yield the floor.

Ms. COLLINS. Mr. President, I would oppose the amendment of my friend from Texas. I understand that she has agreed not to offer the amendment, and instead to just debate the issue at this time. As I noted yesterday, when a similar amendment was offered by the Senator from New York, formula fights are never easy. But they deserve careful deliberation and consideration.

An appropriations bill is where Congress spends money once it has settled on a formula in authorizing legislation. An appropriations bill is not the right place to have a formula fight.

My friend from Texas has raised an issue that falls squarely within the jurisdiction of the Governmental Affairs Committee, which has held three hearings on this topic this year. We have heard from firefighters, police officers, mayors, governors, State emergency management directors, county officials, and Secretary Ridge.

As a result of these hearings, I have developed legislation, on a bipartisan basis, with Senator CARPER and 15 other cosponsors.

Just last month, the Governmental Affairs Committee approved this legislation by a unanimous vote. My legislation would address the very issue that the amendment of the Senator from Texas seeks to address on this appropriations bill.

I cannot support the amendment of the Senator from Texas because it would pre-empt a debate that we began in the Governmental Affairs Committee, and that should continue when our legislation reaches the Senate floor.

But I also oppose this amendment because it is bad for Maine—and States across the country. And because I believe it could compromise the security of this great Nation.

This amendment would not only reduce the small State minimum from .75

to .5 percent of the amount appropriated, but it would also make the small State minimum a ceiling, rather than a floor, which it is in current law, and should remain.

Moreover, big States already get plenty under the bill that Chairman COCHRAN and Ranking Member BYRD have so ably crafted.

The bill distributes \$1.75 billion to all 50 States, territories, and the District of Columbia. Of this amount, \$1.05 billion, or 60 percent, will be distributed strictly based on population, meaning more populous states do well.

In addition, however, the bill sets aside \$750 million just for big cities. That means states such as Maine, Mississippi, West Virginia, and Alaska will not see a dime of this money—\$750 million just for the country's biggest cities—\$250 million more than the House appropriated. And yet big States want more.

The Senate should not be considering these kinds of authorizing changes to an appropriations bill.

I know it is tempting to offer amendments like this to appropriations measures—I considered offering my grants bill, or parts of it, as amendments—but the practice must be resisted. It does an end-run around authorizing committees, which are set up to address matters such as these in a deliberate, thorough manner.

Any modifications to ODP's formula should be considered in a comprehensive manner, not as piecemeal amendments. By changing the formula on an ad-hoc basis, we may produce unintended consequences, where a State may end up with insufficient homeland security resources.

For all these reasons, I urge my colleagues to oppose changes to the existing funding formula on this bill.

At the same time, I pledge to work with my friend from Texas to accommodate her legitimate concerns. Big States have big homeland security needs, and the Federal Government has an obligation to help them.

Mrs. FEINSTEIN. Mr. President, I rise to urge my colleagues to support the efforts of Senators LEVIN, VOINOVICH, HUTCHISON, myself, and others to modify the USA PATRIOT Act formula for homeland security grants. This formula, as currently interpreted by the Department of Homeland Security, DHS, greatly disadvantages larger States.

Unfortunately, as Senator LEVIN stated earlier, it looks as though we will not be able to use the Homeland Security Appropriations bill to make such a modification. Any such amendment would face a point of order and fail.

However, we will be back. I intend to continue to raise this issue in the Senate until we finally change existing law to ensure that the DHS has the authority to distribute homeland security money fairly to all States.

In my view, the Department should distribute homeland security funds ac-

ording to population or, at a minimum, according to threat and vulnerability assessments, location of critical infrastructure, and population density.

On March 7, 2003, DHS released their State-by-State allocations for the \$566 million State Homeland Security Grant Program.

Although this program is described as being distributed on the basis of population, smaller States received a higher level of funding on a per capita basis than larger States.

For instance, California received \$1.33 per capita while Wyoming received \$9.78 per capita. This means that residents of Wyoming received more than five times what residents of California received. The national average was \$1.98 per capita.

However, if you look at all the homeland security grants awarded by the DHS Office of Domestic Preparedness, ODP, for FY 2003, the numbers are even worse. This fiscal year, California received \$4.85 per capita in ODP homeland security grants and Wyoming received \$35.67 per capita. In other words, residents of Wyoming received more than seven times what residents of California received.

I do not want to pick on Wyoming or focus inordinately on California. The issue is not about any State in particular. It is about the fact that States with large populations and large amounts of critical infrastructure are more vulnerable to terrorism and also generally subject to more credible terrorist threats.

However, since I represent California in this distinguished body, I do want to explain why I believe that California—as other populous States has been shortchanged on homeland security grants.

California is what people in the counterterrorism field called a "target-rich" environment. We have two of the biggest seaports in the country, Disneyland, the Golden Gate Bridge, two of the biggest ports in the country, some of the busiest airports in the country, and much else as well.

Moreover, with the release of a congressional report today on intelligence failures by the FBI and CIA, the American people now know that at least several of the September 11 hijackers had numerous links with California. And, as a member of the Senate Intelligence Committee, I can assure you that terrorists and their sympathizers continue to operate in California.

Finally, we have all heard about credible threats to important tourism and commercial sites in California—and those are just the ones that have become public.

However, in spite of all this, my State received this fiscal year less than one-seventh per capita of ODP homeland security grants than the least populous State—a State that is not a target-rich environment, has little if any connection with any terrorists, and has been subject to few if any terrorist threats.

In my view, that is absurd.

Americans in every State should be more afraid knowing that a disproportionate amount of homeland security money is flowing into States that may not need that money.

The reason that homeland security grant allocations favor small States is because of the way that ODP applies Sec. 1014 of the PATRIOT Act.

Under the USA PATRIOT Act, ODP gives each State .75 percent and each territory .25 percent of the appropriation for homeland security grants.

For the 50 States and five territories, these amounts total approximately 40 percent of the total appropriation.

However, the USA PATRIOT Act is silent on how ODP should distribute the remaining 60 percent. ODP has opted to distribute the remaining 60 percent based on population.

It is worth pointing out that the USA PATRIOT Act does not require that the .75 minimums be allocated first and then the remainder distributed according to population. ODP could, under the USA PATRIOT Act, distribute all the money according to population and then bump up any State that has not received .75 percent.

If ODP followed this method, it would mean millions of additional dollars for more populous States. I would urge ODP to look into using such a method.

In any event, because of the USA PATRIOT Act formula, California only received \$149 million of the \$1.87 billion appropriated in FY 2003 for the ODP State homeland security grant program about 8 percent of the total.

However, California has over 12 percent of the population and a disproportionate amount of the country's critical infrastructure—all terrorist targets of opportunity.

If this money had been allocated according to population, California would have received \$76 million more for homeland security just this fiscal year.

There is no question that the USA PATRIOT Act formula greatly disadvantages California and other States with high threat potential. These are States that possess densely populated areas and critical infrastructure such as landmark buildings, large gathering places, stadiums, amusement parks, tall buildings, underground transit, bridges, and ports.

Secretary of Homeland Security Tom Ridge has made this very point over and over. For example, in a hearing before the Senate Commerce Committee, he expressed frustration with the USA PATRIOT Act formula and urged that Congress enact legislation that would require such money to be distributed based on the likely terrorist threat and vulnerability of a given area.

Most reasonable observers agree. It is ludicrous to pour homeland security money into small, rural States that are at little risk of terrorist attack and shortchange States that have densely populated centers and/or have critical infrastructure.

It is also worth noting that the .75 small State minimums are not applied to other grant programs. In an exhaustive survey of Federal grant programs, we could find only two grant programs that used such a high percentage for State minimums: State homeland security grants and sport fish restoration grants.

While an argument could be made that perhaps less populous States deserve more sport fish restoration money, that argument fails with regard to homeland security. The fact remains that the areas most vulnerable to terrorist attack are large cities and those with critical infrastructure, which tend to be in more populous States.

Grant programs other than for homeland security or sport fishing restoration have either no small State minimums, percentages ranging from .25 percent to .50 percent, or minimum dollar figures.

The current formula for allocating homeland security grants is unfair and illogical. And, to be brutally honest, it wastes taxpayers' money by sending it to areas where it may not be needed. I urge my colleagues to support efforts to modify this formula.

I ask unanimous consent to have printed in the RECORD a chart listing Homeland Security grants per capita.

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

FISCAL YEAR 2003 ODP HOMELAND SECURITY GRANTS PER CAPITA—Continued  
(Grant dollars in thousands)

Rank and state	ODP grants	2000 Census	Per capita spending
51. New York .....	96,664	18,976,457	5.09
52. California .....	164,279	33,871,648	4.85
Total .....	2,043,979	285,280,712	7.16

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Mr. HARKIN. Mr. President, I thank the subcommittee chair and ranking member for their work on this bill. A difficult task was set before them in marking up this first appropriations measure for the new Department of Homeland Security. September 11 changed much about how Americans view the role of the Federal Government and its most basic function—providing physical security for American citizens.

We cannot protect the nation completely from every conceivable threat. We have to devote available resources to those threats we judge to be the likeliest and most serious. This poses difficult choices for Congress and the administration, as well as for local communities who face similar decisions. Deciding which threats to public safety it is most important to prepare for is perhaps most difficult for first responders, those men and women most directly tasked with the job—men and women whose bodies and even lives are regularly on the line.

One of my first goals upon being appointed to the Homeland Security Appropriations Subcommittee has been to attempt to address directly the needs of these people in Iowa who are on the front lines, the people who are most responsible for public safety throughout the State. My staff and I have had a number of conversations with the Governor of Iowa, his staff and with others in State government. I also asked members of my Iowa staff to visit each of the State's 99 officials. I asked my staff to check in with people in each of these local communities to find out what they think is most important when it comes to homeland security, what they think is working and what is not.

I think the meetings have been a big success. Not surprisingly, Iowans were pleased to be asked what they think are the top priorities in this area of policy. Security is on people's minds, and the communities that my staff visited have provided me with great insight about how to approach homeland security issues here in Washington. Mr. President, I ask consent that two items be printed in the RECORD at the end of my statement: first is a letter I have sent today to Homeland Security Secretary Ridge regarding the findings of my staff from their meetings around Iowa; second is the list of the locations in Iowa for those meetings, along with the dates they occurred.

The PRESIDING OFFICER. Without objection, it is so ordered.  
(See exhibit 1.)

Mr. HARKIN. When Senator LIEBERMAN first proposed creation of a

new Department of Homeland Security, in his role at that time of chairman of the Government Affairs Committee, I supported his effort. We knew then that balancing, and probably shifting, among competing priorities would be a challenge. We must do all we can to safeguard the vital interests of the Nation from the threat of terrorism. But it remains essential that we don't disregard the need to protect people from other, more likely hazards, especially in areas away from large towns and critical assets.

We must not merely redirect funds badly needed current programs, creating new holes in our security infrastructure. In fact, we should seek wherever it is possible to expand and strengthen existing emergency response mechanisms. We should increase their capacity in ways that allow local authorities to prevent or respond to terrorist threats while also helping them to deal better with the much more common threats and emergencies they face. I believe this is possible.

Iowans told my staff that the biggest challenges Iowans face today include many of the same problems they faced in June of 2000: crime, the methamphetamine scourge, natural disasters.

Over the past several years, FEMA, now part of Homeland Security, has become a truly remarkable and world-class organization for dealing with fires, floods, tornadoes and earthquakes. These occur every year, regardless of other threats, and they continue to take away lives and livelihoods. Earlier this week, a tornado hit Cedar Rapids, IA, and caused damage to 25 homes. We cannot back away from our commitment to help people in need due to these natural disasters. One example of making sure we continue that commitment is the successful fight that I and others have undertaken to ensure that the fire grant program is retained.

There is also no question that many Iowans feel that their world changed on 9/11. People want their families to be safe from terrorist threats. Larry Hurst is County Emergency Management Director in Glenwood, IA, which is in Southwest Iowa. He is afraid that Iowa could be comparatively neglected in this regard, that we might "find it easy to cut public safety, defense and health funding, betting that nothing will happen here." Of course, we hope that no terrorist incidents do occur in Iowa. But, we are only as strong as the network of first responders throughout the Nation.

First responders in my State tell me that they are frustrated. When the alert level changes, they learn about it from CNN, not from the Department of Homeland Security. They don't know why the alert level is raised, or which kinds of threats they ought to look for. Mahala Cox, the Emergency Manager in my home county. Warren County, says that "we cannot afford to be behind the curve and reacting to a media

FISCAL YEAR 2003 ODP HOMELAND SECURITY GRANTS PER CAPITA  
(Grant dollars in thousands)

Rank and state	ODP grants	2000 Census	Per capita spending
1. Wyoming .....	17,611	493,782	\$35.67
2. District of Columbia .....	17,917	572,059	31.32
3. Vermont .....	18,110	608,827	29.75
4. Alaska .....	18,225	626,932	29.07
5. North Dakota .....	18,183	642,200	28.31
6. South Dakota .....	18,723	754,844	24.80
7. Delaware .....	18,917	783,600	24.14
8. Montana .....	19,352	902,195	21.45
9. Rhode Island .....	20,029	1,048,319	19.11
10. Hawaii .....	20,772	1,211,537	17.15
11. New Hampshire .....	20,897	1,235,786	16.91
12. Maine .....	20,981	1,274,923	16.46
13. Idaho .....	21,177	1,293,953	16.37
14. Nebraska .....	22,823	1,711,263	13.34
15. New Mexico .....	23,356	1,819,046	12.84
16. West Virginia .....	23,133	1,808,344	12.79
17. Nevada .....	24,708	1,998,257	12.36
18. Utah .....	25,311	2,233,169	11.33
19. Arkansas .....	26,980	2,673,400	10.09
20. Kansas .....	27,006	2,688,418	10.05
21. Mississippi .....	27,666	2,844,658	9.73
22. Iowa .....	27,989	2,926,324	9.55
23. Oregon .....	30,417	3,421,399	8.89
24. Connecticut .....	30,157	3,405,565	8.86
25. Oklahoma .....	30,298	3,450,654	8.78
26. Puerto Rico .....	31,846	3,858,806	8.25
27. South Carolina .....	32,898	4,012,012	8.20
28. Kentucky .....	32,841	4,041,769	8.13
29. Colorado .....	34,592	4,301,261	8.04
30. Alabama .....	34,505	4,447,100	7.76
31. Louisiana .....	34,487	4,468,976	7.72
32. Arizona .....	38,617	5,130,632	7.53
33. Minnesota .....	36,766	4,919,479	7.47
34. Maryland .....	38,622	5,296,486	7.29
35. Wisconsin .....	38,549	5,363,675	7.19
36. Missouri .....	39,532	5,595,211	7.07
37. Tennessee .....	40,057	5,689,283	7.04
38. Washington .....	41,211	5,894,121	6.99
39. Indiana .....	41,592	6,080,485	6.84
40. Massachusetts .....	42,730	6,349,097	6.73
41. Virginia .....	46,400	7,078,515	6.56
42. Georgia .....	51,767	8,186,453	6.32
43. North Carolina .....	50,747	8,049,313	6.30
44. New Jersey .....	51,892	8,414,350	6.17
45. Michigan .....	58,080	9,938,444	5.84
46. Ohio .....	63,888	11,353,140	5.63
47. Illinois .....	68,884	12,410,293	5.55
48. Pennsylvania .....	67,760	12,281,054	5.52
49. Florida .....	86,307	15,982,378	5.40
50. Texas .....	107,777	20,851,820	5.17

message." People like Ms. Cox must respond to vague mandates they don't fully understand, taking time away from other pursuits. Mandates are unclear, and can be costly. While some money is flowing, communities are unsure how exactly they should be spending it, and they fear spending it in a way that might not meet a later mandate.

At the same time, some current reporting requirements are onerous and illogical. One county emergency manager in Iowa relayed to my staff that they are required to report on contingency plans in case there is a tidal wave, and they understand they are not allowed to answer "not applicable." I suspect if a tidal wave big enough to cause damage in Iowa were to hit the U.S. our least concern would be what a given county emergency manager plans to do about it. These increased burdens are coming at a time when State and local governments are hurting. Many already are laying off police, fire, and emergency management personnel. The vast majority of firefighters in the United States are volunteer, increased training requirements for these personnel, while useful, might be very burdensome at a time when we are already losing firefighters in Iowa. If we at the Federal level are to create mandates, funds must follow those, mandates.

Walter "Ned" Wright is the Emergency Management Director in Linn County, IA, which is home to Cedar Rapids, one of the State's larger cities. He spoke to my staff about reporting requirements. He talked about "analysis paralysis," which he described as "assessment after assessment, and blue ribbon panel assessments, but no real results.

Law enforcement and first responders are being watchful of Government waste. They are worried that we are reinventing the wheel. I share their concern. I was concerned to hear of the great costs incurred by certain communities in my State to protect critical asset bridges. I want to make sure that communities are made whole for necessary expenses, but I also want to make sure that The Department spends its money in a way that isn't wasteful. The security of our homeland is so critical that we can't afford to waste a single penny. I would be happy to work with my colleagues and the Department to help to identify ways to be more efficient.

I am pleased with language in the report requiring the Department to establish clearly defined standards for all levels of government emergency preparedness, and detailing the costs of meeting these standards, and to take into account their opinions.

I think the committee has done a commendable job at trying to maintain funding for the kinds of programs I was most concerned with, particularly three emergency programs that are close to my heart—Emergency Management Performance Grants, Firefighter Assistance Grants, and Hazard Mitiga-

tion Grants, through I was disappointed with the cuts to the Hazard Mitigation Grants last year from 15 percent of public and individual assistance to only 7.5 percent for post-disaster mitigation and \$150 million for pre-disaster mitigation. I would like to see this returned to the 15 percentage level. In Iowa, this program has been successfully used to reduce the damage from future disasters. In many cases, it saves the Government money in the long run by avoiding the costs of repairing dangerously placed structures that are repeatedly damaged.

Finally, I would like to mention the subject of agri-terrorism. As my colleagues know, a major agri-terrorism event could easily cause billions of dollars in losses. Anyone who has spent time in rural America knows the difficulty in trying to guard against every avenue through which agriculture could be attacked. It is impossible. The key for protecting U.S. agriculture is making sure our intelligence and response capacities are in place to both prevent acts of terrorism in the first place, and respond quickly, should an attack occur, to limit the damage. I think we are still falling short on response. I am very disappointed not to see more resources directed to building the capacity of our agricultural first response system. I think we really need to take a hard look, and make sure we are doing all we can to protect U.S. agriculture and rural communities.

I have been working closely with the State of Iowa, particularly with the state Homeland Security director, Ellen Gordon, on appropriate State and Federal responses to agi-terror. The State has been working overtime trying to map out a comprehensive plan to deal with this very difficult issue. I applaud their work, and look forward to working with them and with my colleagues as we move forward to improving our capability to respond to this very serious and very real threat.

#### EXHIBIT 1

U.S. SENATE,

*Washington, DC, July 21, 2003.*

Secretary TOM RIDGE,  
U.S. Department of Homeland Security,  
*Washington, DC.*

DEAR SECRETARY RIDGE: This June and July, members of my staff traveled to every county in Iowa to better understand the needs of local first responders and emergency management officials. Please find enclosed a more thorough summary of the comments provided to me by those public officials. I hope that you find it as helpful as I have.

I would appreciate it if the Department could comment on some of the broader recurring themes of their reports, including, but not limited to, those items I will discuss in this letter. As a member of the Homeland Security Appropriations Subcommittee in the Senate, I understand some of the difficulties inherent in pulling together a broad agency with a unified mission.

I fully supported legislation creating this agency. We knew then that balancing, and probably shifting, among competing priorities would be a challenge. We must do all we can to safeguard the vital interests of the nation from the threat of terrorism. But it remains essential that we don't disregard the

need to protect people from other, more likely hazards, especially in areas away from large towns and assets that have been identified by the Department as critical. As evidenced by the Oklahoma City bombing, anyone could be targeted. Also, it is critical to maintain the ability local departments currently have to respond to the things they always have; fires, floods, tornadoes, and crime. In order to do so, I think it is critical to make sure that we keep the lines of communication open between the rule makers and public safety officials.

To that end, allow me to summarize the administrative issues that seemed to arise most often. Topping almost everyone's list was the desire for more information about terror alert level elevation. Public officials have complained that they learn of the increased alert level from CNN before they hear from DHS. Upon receipt of this information, they are not sure how they should alter their current behavior, if at all. It was suggested in these meetings between my staff and local officials that better intelligence from DHS as to specific threats could eliminate unnecessary cost to departments and limit complacency among citizens.

Another near-universal concern is the relationship of mandates to funding. The time and manpower needed to complete various emergency management plans come out of local budgets that are already stretched. One county emergency manager in Iowa relayed to my staff that they are required to report on contingency plans in case there is a tidal wave, and they understand that they are not allowed to answer "not applicable." At the same time, these communities are laying off firefighters and police officers due to budget constraints.

Training requirements are also difficult to cover for many small departments. While they may be reimbursed for the training itself, they may also have to pay overtime to cover for the missing staff. The vast majority of fire departments in Iowa are volunteer, so leaving a duty station for training means using vacation time from a paying job. This costs many departments valuable personnel.

On the other hand, there are funds flowing for equipment, but localities claim that guidance on how those funds could be best spent is not available from the federal level. If that is the case, is guidance planned in the near future, and if so, would that guidance require further equipment expenditures? I understand that many communities still have cold war era siren alert systems. What is the feasibility of more advanced equipment, like radios, or more advanced siren technology?

There is broad support for many of the grant formulae, such as Fire Grants, that go straight to local departments from the federal level. I have been a long time supporter of the program, first in the authorization, then as a member of VA/HUD and Independent Agencies Appropriations Subcommittee, and now as a member of Homeland Security. It is my hope that DHS will list programs like Assistance to Firefighters, Hazard Mitigation Grants, and Emergency Management Performance Grants individually in its budget request to Congress, and will request increased funding for these accounts in future years as needs grow.

Law enforcement and first responders are being watchful of government waste. They are worried that we are "reinventing the wheel." It is my hope to work with you to make sure that we do our best to weed out duplicative and overly burdensome requirements so that we may find best practices to

more effectively strengthen the nationwide network of first responders.

Sincerely,

TOM HARKIN,  
U.S. Senator.

SUMMARY OF COMMENTS FROM COUNTIES

Homeland Security Alerts are received via CNN instead of through formal Homeland Security Channels.

Homeland Security staff at the federal and state level is increasing, but stagnant at the local level. All coordination, reporting, and emergency response is being done at the lowest level, which receives the least funding.

In order to qualify for grant funds, a great deal of planning efforts and reports are required, but local emergency management cannot spare resources to do this work. Each county needs a full time emergency management staff person.

All counties have the same requirements regardless of county size or the number of paid employees.

Many rural communities do not have the means for protecting the community well or sanitary lift station.

Funds should be used to fix security problems rather than study them.

More decision making should be local, to respond to the unique needs of the community.

More funds are needed for training and to cover overtime for replacement workers when others are away at training.

Grants are increasingly important with dwindling state and local budget capacity.

The feasibility of developing regional capabilities for training, planning, exercising and equipment should be explored.

State, county, and city fiscal restraints, combined with certain other unfunded mandates to local jurisdictions, limit growth of public safety and emergency management budgets.

Administrative burden of regionalization will be huge and cannot be borne by local jurisdictions without funds or staff.

Local jurisdictions are just now beginning work on bioterrorism, and have not started work on agriterrorism.

Due to the specific work that the public health agencies have to accomplish in this federal fiscal year, they are finding it difficult to become leaders in pulling the community resources together for multi-agency planning and are depending upon emergency management to assist in this endeavor.

Instead of a nationwide security upgrade to level orange, a state by state, or region by region analysis of the situation would be better.

There is a need to update the sirens or early alert system. Most are 30-40 years old and there is no longer funding available to replace them.

Food processing sites want to be notified of threats directly when relevant intelligence is received by the Department. The rapid production in many food processing plants require this because of the length of time between processing and distribution.

Farm Service Agencies and veterinarians expressed concern about the easily spread hoof and mouth disease. The plan for quarantining a contaminated herd is critical. There is no known action plan in the event of this or any other infection. There is talk that the State's Department of Emergency Management is working to compile a plan, but many fear not fast enough.

Regional storage facilities for equipment would be useful for communities to share equipment they otherwise could not afford.

Forms are confusing with requirements that don't apply to the state. Some forms require an explanation of county plans in case of tidal wave. The applicant may not answer "not applicable."

Hazmat teams need more funding.

Interoperability should apply to training as well as equipment.

Information technology funding is needed. Pre-Disaster Mitigation Act of 2000 hazard mitigation plans require a rework of every community's plan with new standards that are very difficult to meet.

Training requirements are difficult. There is no compensation to cover overtime to fill in for those away at training. Most fire departments are volunteer, and training requires that firefighters take vacation from paying jobs.

More training should be available over the internet or the fiber-optics Iowa Communications Network.

Communities need more education on the nature of possible agriterrorism threats, and how to respond.

Grants that require a local match can be difficult for small communities to obtain, due to budget constraints.

SCHEDULE OF STAFF MEETINGS WITH LOCAL EMERGENCY MANAGEMENT AND FIRST RESPONDERS—SENATOR TOM HARKIN—SUMMER, 2003

June 9—Muscatine, Wapello, Mount Pleasant, Burlington, Fort Madison, Keosauqua.

June 12—Bloomfield, Centerville, Corydon, Chariton, Albia, Ottumwa.

June 13—Fairfield, Washington, Sigourney, Oskaloosa, Montezuma, Marengo.

June 16—Iowa City, Tipton, Anamosa.

June 17—Waverly, Allison, Charles City, Cresco, New Hampton.

June 18—Osage, Northwood, Mason City, Hampton, Eldora.

June 19—Waterloo, Independence, Cedar Rapids.

June 24—Webster City, Fort Dodge, Dakota City, Algona.

June 25—Forest City, Garner, Clarion.

June 26—Vinton, Toledo, Grundy Center.

July 1—Elkader, Waukon, Decorah, West Union.

July 2—Manchester, Dubuque, Maquoketa.

July 7—Boone, Jefferson, Guthrie Center, Adel.

July 8—Nevada, Marshalltown, Newton, Knoxville, Indianola.

July 10—Bedford, Corning, Atlantic, Greenfield.

July 11—Clarina, Sidney, Glenwood, Red Oak.

July 15—Ida Grove, Sac City, Rockwell City, Pocahontas.

July 16—Logan, Council Bluffs, Audubon, Harlan.

July 18—Cherokee, Primghar, Sibley, Rock Rapids, Orange City.

July 21—Spencer, Spirit Lake, Estherville, Emmetsburg.

July 23—Sioux City, LeMars.

July 24—Onawa, Denison, Carroll, Winterset, Creston, Mount Ayr, Leon, Osceola.

July 30—Storm Lake.

Mr. AKAKA. Mr. President, I rise today to discuss the committee report to H.R. 2555, the Department of Homeland Security Appropriations Act of 2004, to ensure that the Department of Homeland Security fulfills its non-homeland security missions.

I am pleased that the committee report includes many of the same reporting requirements of non-homeland security missions at S. 910, the Non-Homeland Security Mission Performance Act of 2003, which I introduced on April 11, 2003. My bill, which is cosponsored by Senators CARPER, LAUTENBERG, and DURBIN, will guarantee the fulfillment of non-homeland security

functions that Americans rely on daily. S. 910 was reported out of the Government Affairs Committee unanimously on June 13, 2003.

In my view, the reporting requirements in the committee report to H.R. 2555 and those in S. 910 achieve similar goals. However, I believe the reporting requirements in H.R. 2555 could be improved by including the reporting requirements in S. 910.

The Department of Homeland Security should indicate the management flexibilities and personnel used to carry out non-homeland security functions; clarify whether any changes are required to the department's roles, responsibilities, and organizational structure to enable it to fully accomplish its non-homeland security functions; and describe the management strategy the department will use to fulfill its non-homeland security missions.

Moreover, the report should complement, not duplicate, existing reporting requirements the U.S. Coast Guard already provides the Department of Homeland Security Inspector General. The department should fully describe and evaluate how homeland security and non-homeland security functions will be fulfilled in government-wide performance reports to Congress, and the General Accounting Office should evaluate the extent to which the department is implementing the provisions in this bill and its non-homeland security missions generally.

This report should be provided annually over a five year period, and submitted to the appropriations committees, Governmental Affairs Committee, and the Government Reform Committee.

The cost of creating a Department of Homeland Security should not come at the expense of essential non-homeland security missions.

I urge that these provisions be included to complement those in the Committee Report to H.R. 2555.

Mr. DASCHLE. Mr. President, since September 11, 2000, Congress has provided the President, our military, our intelligence agencies, and our Federal law enforcement officials with the resources and tools needed to hunt down members of al-Qaida and to break up their activities and the activities of other terrorist organizations. In addition to the regular appropriations bills that provide funding to our troops and our intelligence and law enforcement agencies, we have passed several supplemental appropriations bills totaling close to \$100 billion to cover the unanticipated costs of these operations.

Regrettably, the record is not as good when it comes to making our homeland and home towns more secure. Within weeks of the 9/11 tragedy, Senate Democrats, led by Senator BYRD, launched an effort to begin addressing the major gaps in our Nation's efforts to defend itself from future attacks. Senator BYRD proposed that we provide \$15 billion for first responders

and to address the vulnerabilities of our Nation's transportation system, chemical and nuclear facilities, public health system, and borders.

Sadly, the administration adopted a view that we did not need additional resources for homeland defense. Hundreds of billions of additional resources for the Pentagon? The administration stated, and I agreed, that we must give our troops what they need to wage the war on terrorism. Billions in additional resources for intelligence? The administration stated, and I agreed, that we needed to strengthen our intelligence capabilities. Billions more for Federal law enforcement? The administration stated, and I agreed, that Federal law enforcement officials needed more resources to tackle the terrorist threat. But for some reason, in the immediate aftermath of the 9/11 attacks, the administration decided to draw the line on providing additional resources to protect America and Americans. In a November 28, 2001, letter to Senator BYRD, Tom Ridge, then the President's Homeland Security Director, said, "No additional resources to protect the homeland beyond what the President has already requested are needed at this time." No additional resources were needed beyond what the President requested before the 9/11 tragedy had exposed to America and the world how vulnerable we were to terrorist attack.

And what has happened since then? Study after study has affirmed this country's vulnerability to terrorist attack and the need for additional resources. According to *America—Still Unprepared, Still In Danger*, a bipartisan study by former Senators Warren Rudman and Gary Hart published in October, 2002, "America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack."

Our newspapers are filled almost daily with reports about the vulnerability of various aspects of our economy, our infrastructure, and our communities to terrorist attacks. In a follow-up report entitled "Drastically Underfunded, Dangerously Unprepared," the authors concluded, "Nearly two years after 9/11, the United States is drastically underfunding local emergency responders and remains dangerously unprepared to handle a catastrophic attack on American soil." In the words of Warren Rudman, former Republican Senator and one of the principal authors, "There isn't a place in America today, that if we had a nuclear, biological, or a chemical attack, that the fire and police departments could respond to it and survive the response."

Only a small percentage of the 21,000 containers that arrive in our ports every day are inspected. Little has been done to enhance the security of our Nation's 103 nuclear plants and scores of chemical facilities, despite the fact that many of them are located near populated areas. According to the EPA, there are 123 chemical facilities

in 24 States where an attack could expose more than 1 million people to highly toxic chemicals. Our rail lines carry more than 23 million passengers and 40 percent of the Nation's freight. Yet the administration has done very little to improve rail security.

This is only a sample of the many challenges we must confront before we can look the American people in the eye and say we have done everything we can to make them and their families more secure. Time and again, Senate Democrats led by Senator BYRD have led the charge to begin addressing these vulnerabilities only to be rebuffed by the administration and Senate Republicans.

By their words and their votes on this bill, Republicans have confirmed that the position espoused by Secretary Ridge in the days after 9/11 is a position they remain largely committed to today. On the bill before us, they defeated Democratic efforts to add resources for States and local communities to hire, equip, and train thousands of additional police, firefighters, and emergency medical technicians. They have opposed Democratic efforts to provide resources to hire, equip, and train more than 1,000 Border and Customs personnel to police our porous borders. They voted against Democratic attempts to hire 1,500 port security personnel to enhance port security. Republicans defeated a Democratic effort to provide funds to mass transit agencies and our railways. And they opposed a Democratic proposal to provide an assessment of the vulnerability of our nuclear and chemical plants to terrorist attack.

Democrats will not give up in our attempts to protect the American people. We will return again and again in the days and months ahead to see that we provide the resources needed to make our homeland and our home towns more secure.

Finally, before leaving the floor, I would like to say a few words about Senator BYRD's latest homeland security effort his amendment to help ensure that the homeland security funds we do appropriate are spent on the proper priorities and for the proper reasons.

Hundreds of billions of taxpayers' dollars will be dedicated to homeland security in the coming years. The ethical standing of the Federal employees making these life-and-death decisions that affect the security of all Americans must be above reproach. Even the appearance of impropriety could be damaging.

Yet news reports indicate at least four of Secretary Ridge's senior aides have left government service and are working as homeland security lobbyists trying to influence the decisions of their former colleagues. Trying to deliver millions of dollars in contracts to their new employers.

Senator BYRD's important amendment merely says we should employ the same post-employment ethical

standards to homeland security employees as we do to Senators and their senior staff. Based on the critical nature of their work, we should ask no less of these employees and I hope all of my colleagues join me in supporting Senator BYRD's amendment.

Mr. COCHRAN. Mr. President, I know of no other amendments that will be offered. I think we are ready for third reading.

The PRESIDING OFFICER. Is there further debate?

The Senator from West Virginia.

Mr. BYRD. Mr. President, last week, the Senate approved a bill making appropriations for the Department of Defense. That bill totaled some \$368.6 billion. It is an important bill, both in size and in importance. That \$368.6 billion bill pays our men and women in uniform. It pays for all the advanced weapons and technology that make the Armed Forces of the United States second to none on the planet. The Department of Defense appropriations bill funds the forces and activities that keep the United States at the forefront of military activities around the globe, protecting American interests and lives as well as responding to humanitarian and security crises in distant lands.

That \$368.6 billion does not include, mind you, the actual costs of the war on terrorism. Our activities in Iraq and Afghanistan, aside from salaries paid to military personnel, are funded through supplemental appropriations—over \$60 billion thus far. But that \$368.6 billion does provide the weapons, the forces, the training, and the infrastructure that allow the Armed Forces to provide a very high level of preparedness, a very high level of readiness, and a very high level of security. It provides the means to keep U.S. troops stationed in Korea, Japan, and Europe as a uniformed tripwire and global 911 emergency service. In its unanimous vote in favor of the bill, the Senate has indicated its support for that level of funding and for fully supporting the men and women serving in our military.

This week, the Senate has debated an equally important appropriations bill. The bill under consideration this week funds the Department of Homeland Security. It pays the salaries of the men and women whose job it is to keep safe the people of the United States here at home. It pays for the advanced technology needed to prepare American communities to defend against and respond to attacks against Americans on U.S. soil and in U.S. airspace. It pays for the forces, border patrol and inspectors strung out along America's vast land and sea borders, striving to keep dangerous people and materials out of our vulnerable heartland. It pays for America's infrastructure security, America's traveling public. In every way and by every measure, the activities funded in the homeland security appropriations bill are as important as those funded in the Department of Defense appropriations bill.

So how much money will we spend on protecting Americans here at home in fiscal year 2004? Well, it is not \$368.6 billion. Mr. President, it is nowhere close to \$368.6 billion. It is not half that amount, or even a quarter of that amount. It is just \$28.5 billion. In fiscal year 2004, this bill funds the Department of Homeland Security at \$28.5 billion, almost 13 times less than the amount approved for the Department of Defense.

Do we care about the world outside our borders 13 times more than we care about Americans at home? I do not think so. Do we care about guarding Baghdad 13 times more than we care about guarding our own borders? I do not think so. Do we care about patrolling the skies over Afghanistan and Iraq 13 times more than patrolling the thousands of commercial airliners streaking over our heads right now? I do not think so.

I do not believe that this amount is adequate. Over the last year, we have all read the press reports about security lapses at our airports, border checkpoints, and elsewhere. Things are improving, but not nearly fast enough. This bill does not do enough or go far enough to provide the Federal resources necessary to assist a community that falls victim to a terrorist attack, and it is woefully inadequate to provide individual States and communities the resources to prepare themselves to respond to such an attack. Indeed, given the number of reservists and National Guard troops who have been called into active service, our Federal Government is robbing States and communities of critical core defenders. If an attack does come, state governors may not have the resources on hand to respond effectively, and Federal support may or may not materialize in a timely manner, especially if attacks occur at a number of places simultaneously. The so-called war on terrorism has put troops bristling with arms across the globe, but it is leaving America with a hollow core, its towns and communities undefended.

I know, as does everyone who reads the paper or watches the news, what a difficult State the economy is in. I, too, have shaken my head at the latest forecast on the size of the deficit. At an estimated \$455 billion, this year's deficit surpasses even the Department of Defense budget. We have had a very difficult year in the Appropriations Committee, trying to craft bills under these circumstances. But just as we should not and will not shortchange the men and women in uniform who put their lives on the line every day in Baghdad, Kabul, Seoul, and elsewhere, we should not shortchange the families they leave behind and the men and women in uniform who patrol our coast, our borders, our airports, and our streets, and who prepare every day to face the unthinkable of a deadly biological, chemical, or nuclear attack here at home.

These defenders of American security here at home need all the help that we

can give them. They, too, need new tools to help them face and defeat their enemies. They need sensors that can detect toxins and pathogens in near real time, so that contaminated areas can be cordoned off and proper decontamination procedures initiated. They need communications systems that let doctors and epidemiologists track and contain disease outbreaks, be they from infected prairie dogs, mosquitos, or more nefarious vectors. They need scanners to rapidly and effectively check the million of tons of cargo that enter the United States every day. They need better ways to protect the free and open commerce that will return the United States to a vibrant and growing economy. These tools and technologies may not be as sexy and high tech as antiballistic missile technology, or as imposing as an Aegis cruiser, but they are just as necessary for creating and maintaining the security and well-being of our Nation.

We must not forget that it is the individual communities and their State governments that will bear the brunt of any response to a terrorist event, just as they bear the brunt of responding to other natural and manmade disasters.

On September 11, 2001, the United States was attacked on two fronts, in New York and in Washington, DC. Both locations were well served by their large emergency response teams of police, firefighters, and rescue crews.

The fact is, every State and every community must be prepared to respond, or to assist neighboring communities should multiple attacks occur—whether it be Fairmount, WV, or Fairbanks, AK, Chicago, IL, or St. Paul, MN. Many communities are not ready. The first line of prevention—and defense—is the local and state leadership, not the Federal Department of Homeland Security. While the Department of Homeland Security fiddles with selecting a common computer operating system, the towns around Rome may burn. These communities need guidance, and funding, and they need it now. The Department of Homeland Security needs to get its game face on and get moving, both to do its many jobs better, and to fulfill its role in helping States and local governments to prepare for the unthinkable.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. ENSIGN. Mr. President, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. BENNETT) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I also announce that the Senator from Minnesota (Mr. DAYTON) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) and the Senator from Massachusetts (Mr. KERRY) would each vote "aye."

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

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—93

Akaka	Dodd	Lott
Alexander	Dole	Lugar
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Ensign	Murkowski
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Graham (FL)	Reed
Bunning	Graham (SC)	Reid
Burns	Grassley	Roberts
Byrd	Gregg	Rockefeller
Campbell	Hagel	Santorum
Cantwell	Harkin	Sarbanes
Carper	Hatch	Schumer
Chafee	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Clinton	Inouye	Smith
Cochran	Jeffords	Snowe
Coleman	Johnson	Specter
Collins	Kennedy	Stabenow
Conrad	Kohl	Stevens
Cornyn	Kyl	Sununu
Corzine	Landrieu	Talent
Craig	Lautenberg	Thomas
Crapo	Leahy	Voinovich
Daschle	Levin	Warner
DeWine	Lincoln	Wyden

NAYS—1

Hollings

NOT VOTING—6

Bennett	Edwards	Lieberman
Dayton	Kerry	Miller

The bill (H.R. 2555), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr.

DOMENICI, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. CAMPBELL, Mr. CRAIG, Mr. BYRD, Mr. INOUE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. KOHL, and Mrs. MURRAY conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Florida is recognized.

#### JOINT INTELLIGENCE REPORT POST-9/11

Mr. GRAHAM of Florida. Mr. President, earlier this afternoon a declassified version of the report of the House and Senate Intelligence Committees on the events of September 11, 2001, were released to the public. I will take a few minutes to recognize those who performed a great public service in producing this report and to commend it to my colleagues and those who are watching. The public version of this report is available at the Web site of the Government Printing Office, [www.access.gpo.gov](http://www.access.gpo.gov).

This report fulfills the commitment that was made to the American people and particularly to the families of those who perished in this tragedy. The commitment was to conduct a thorough search for the truth about what our intelligence agencies knew or should have known about al-Qaida and its intentions prior to September 11. It was then to apply the lessons learned from that experience to reform the intelligence community in such a way as to mitigate the likelihood of a repetition of September 11.

This was a historic first-of-a-kind effort. For the first time in the history of the Congress, two standing committees, the House and the Senate, joined together to conduct a special inquiry with its own staff. That staff was led by the very capable Ms. Eleanor Hill. The staff reviewed nearly 1 million documents and conducted some 500 interviews. The joint inquiry committee held 22 hearings last year, 9 of which were open to the public. The result of this effort was released today.

This document includes both findings of fact and 19 recommendations for reform. I am extremely proud of the commitment that the Members of the House and Senate Intelligence Committee have given to this review. I would especially like to recognize the vice chairman of the Senate committee, Senator SHELBY, and the chairman and vice chairman of the House Intelligence Committee, Congressman PORTER GOSS and Congresswoman NANCY PELOSI.

The report's findings are grouped in 24 subject areas, but they have a single bottom line: The attacks of September 11 could have been prevented if the right combination of skill, coordination, creativity, and some good luck had been brought to the task.

There is an abundance of important information in this report that suggests, for example, institutional resistance to making counterterrorism a high national priority prior to Sep-

tember 11. This resistance took many forms. It included a lack of information sharing among key agencies. It included budget cuts at the Department of Justice for the FBI's counterterrorism program. Simply put, those problems contributed to the Government's inability to successfully launch an offensive against al-Qaida.

As an example of this difficulty, a previously classified finding, No. 14 in the report, states that senior military officials were reluctant to use military assets to conduct offensive counterterrorism efforts in Afghanistan or to support or participate in CIA operations directly towards al-Qaida prior to September 11.

In part, this reluctance was driven by the military's view that the intelligence community was unable to provide the intelligence necessary to support military operations. For example, the report confirms that between 1999 and 2001, U.S. Navy ships and submarines armed with cruise missiles were positioned in the north Arabian Sea. Their mission was to attack Osama bin Laden, but it was a mission frustrated because they were not able to get the actionable intelligence which only could have come by our ability to place spies close enough to al-Qaida to tell us what that organization would be doing and where Osama bin Laden might be on any given day.

The report makes it clear we should have known that potential terrorists were living among us. Indeed, two of the terrorist-turned-hijackers lived with an FBI informant in San Diego, CA, for 6 months or more in the year 2001. A resourceful FBI agent in Phoenix wanted to follow up on suspicions about foreign-born students who were honing their skills at American flight schools. Officials at FBI central headquarters shut him down.

To assure the American people that we take such actions seriously, we included a recommendation, No. 16, that calls for the Director of Central Intelligence to implement new accountability standards throughout the intelligence community. These standards would identify poor performance and affix responsibility for it. It would also set a standard to recognize and reward excellent performance.

Had such standards been in place 2 years ago, we might have been able to hold those whose performance fell short of what our country deserves accountable for their errors, omissions and commissions, particularly in the critical period immediately before September 11.

Had these standards been implemented last year, it is possible the Nation could have avoided the embarrassment and damage to our Government's credibility that has occurred because of the use of discredited intelligence information in the President's State of the Union Address. So far, we have seen no one suffer more than the indignity of a newspaper headline in either incident.

With the release of the joint inquiry report, it is time to look ahead and continue to implement the important reforms of the intelligence community that are necessary and to enhance the Federal Government's partnership with State and local law enforcement and other first responders.

If the recommendations in this report are heeded by the White House, by the agencies, and by this Congress, we should be able to make great strides in improving the security of the American people.

It is my intention to introduce legislation soon, with cosponsorship of members of the joint inquiry, that would implement the reforms which require legislative action. I hope it will move expeditiously to passage with the full support of the administration. I will also begin that effort with a sense of outrage because we have lost valuable time.

It took 7 months, almost as long as it took to conduct the inquiry, for the intelligence agencies to declassify the portions of the report that we are releasing today.

What are the consequences of that 7 months' delay? One is that the momentum for reform, which was at a high tide in the weeks and months immediately after 9/11, has begun to diminish despite the scope of the tragedy. We will learn shortly whether we can reinvigorate that reform movement. This Senate will face the test of its will to do so. I, for one, am committed to see this report is not forgotten or overlooked.

In my view, the delay reflects the excessive secrecy with which this administration appears to be obsessed and which is keeping important findings of our work from the American people. Such censorship also saps the urgency of reform and precludes the American peoples' ability to hold its leaders accountable.

The most serious omission, in my view, is part 4 of the report which is entitled "Finding, Discussion and Narrative Regarding Certain Sensitive National Security Matters." That section of the report contained 27 pages between pages 396 through 422. Those 27 pages have almost been entirely censored. This is the equivalent of ripping out a chapter in the middle of a history book before giving it to your child or grandchild and then telling her "good luck on the test."

The declassified version of this finding tells the American people that our investigation developed "information suggesting specific sources of foreign support for some of the September 11 hijackers while they were in the United States."

In other words, officials of a foreign government are alleged to have aided and abetted the terrorist attacks on our country on September 11 which took over 3,000 lives.

I would like to be able to identify for you the specific sources of that foreign support but that information is contained in the censored portions of this