

legislation, and I urge them to act quickly so that we can address both the broader bill and the State sales tax issue very soon.

CONCLUSION OF MORNING
BUSINESS

The PRESIDING OFFICER (Mr. ENSIGN). Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4567, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

The PRESIDING OFFICER. The senior Senator from Mississippi.

Mr. COCHRAN. Mr. President, first, I thank all Senators for their cooperation in the handling of the bill yesterday. We made progress in disposing of several amendments. We also achieved a very important milestone in the handling of the bill. We have an agreed list of amendments that are in order to the bill. This will limit the offering of amendments to only those on the list. We appreciate very much Senators permitting us to enter that order last evening.

The bill provides total new budget authority for fiscal year 2005 of \$33.1 billion to fund the Department. In addition, an estimated \$2.9 billion in collections from offsetting collections from user-financed services, Customs duties, and trust funds will be available to finance activities of the Department for fiscal year 2005.

Excluding mandatory appropriations for retired pay of the United States Coast Guard, the bill provides \$32 billion in discretionary spending, consistent with the amount allocated by the full committee for this bill. This is \$896 million more than the President's fiscal year 2005 discretionary spending request; and \$2.8 billion more than the fiscal year 2004 appropriations level, excluding emergency supplemental appropriations and including a \$1.6 billion increase in the availability of advance appropriations for biodefense countermeasures.

The additional amount above the President's request level is used to increase funding to assist State and local first responders, to enhance aviation security, to harden critical infrastructures that are potential targets to terrorists, and to better secure our ports and waterways.

The bill also attempts to address the most critical outstanding need, that of rail and transit security. This proposal includes \$150 million for rail and transit security grants; \$34 million for high explosives countermeasures, including \$24 million for commuter and passenger

rail environments; \$194 million for protective actions, including protective measures for rail; and \$15 million for rail inspectors and canine explosives detection teams.

The bill recommends \$632 million for management and operations of the Department, including \$65 million requested by the President to continue to consolidate the Department's headquarters operations at the Nebraska Avenue Complex.

To secure our Nation's borders and enforce and investigate customs and immigration laws, the bill recommends total appropriations of \$8.7 billion, including \$5 billion for the Bureau of Customs and Border Protection and \$3.4 billion for the Bureau of Immigration and Customs Enforcement. This includes an increase of \$50 million more than the request level for the Federal air marshals.

An increase of \$64 million is provided for the container security initiative. This initiative seeks to enhance the security of an indispensable, but vulnerable, link in the chain of global trade: the oceangoing shipping container. Proactively screening containers before they reach the United States will significantly contribute to efforts to secure the borders against dangers that might be introduced through commercial trade. A more secure maritime trade infrastructure will ensure the continued smooth flow of merchandise through seaports.

The illegal alien population of the United States has risen to record levels. According to the Department, the undocumented alien population has grown from approximately 3 million in 1990 to an estimated 9 million today. This bill provides \$107 million in additional resources for detaining and removing such individuals from this country.

The bill also provides \$478 million for the Federal Protective Service, which is the same as the President's budget request, to ensure a safe and secure workplace for Federal employees.

Also included is \$340 million for U.S. VISIT, the new system to identify and track foreign visitors and students and to screen for possible terrorist or criminal involvement.

In new budget authority \$140 million is provided for Citizenship and Immigration Services in addition to the \$1.5 billion estimated in collections available for these operations.

For the Transportation Security Administration, TSA, responsible for ensuring security across the U.S. transportation system, including aviation, railways, highways, and ports, the bill provides total funding of \$5.2 billion, \$184 million more than the President's budget request, and \$648 million more than the fiscal year 2004 level. In addition, it assumes \$400 million less than the President's request in offsetting aviation security fee collections. While the bill does not contain the President's requested legislative proposal to mandate the level of fees, it does re-

quire the General Accounting Office to initiate review activities necessary to resolve the appropriate level of fee collections based on calendar year 2000 airline security costs.

Over 53 percent of the funds made available for TSA are provided for Federal screeners at our Nation's commercial airports. This includes \$2.8 billion for aviation security personnel compensation and benefits, and training of passenger and baggage screeners. Also provided for aviation security is \$161 million for passenger checkpoint support and \$210 million for the purchase of baggage explosive detection systems.

For airport security direction and enforcement, \$872 million is provided, including \$293 million for airport information technology support, \$25 million for Federal flight deck officer training, and \$43 million for air cargo security and enforcement.

For maritime and surface transportation security activities, the bill provides \$55 million for transportation worker identification credentials; \$15 million for rail security efforts; \$17 million for hazardous materials driver license endorsement program; and \$24 million for maritime and land security staffing, operational oversight, and administration of maritime and land grant functions.

To further improve transportation security, \$181 million is provided for research and development of the latest technologies to detect and deter terrorist attacks, including \$57 million for research and development of next generation explosive detection systems, and \$75 million for research and development of new technologies to screen air cargo.

This bill provides nearly \$7.5 billion for the United States Coast Guard, including \$5.2 billion for military pay and operation of bases and \$1.1 billion for upgrading and replacing the Coast Guard's cutters, helicopters and planes.

Currently, the Coast Guard is deployed in support of operations in Iraq, is conducting its new homeland security mission, and is maintaining its traditional missions such as marine resource protection and drug interdiction.

The Coast Guard's deepwater recapitalization program is funded at \$776 million, \$98 million more than the President's request level.

For the United States Secret Service, the President's budget request of \$1.2 billion is fully funded to support the Service's protective and investigative missions.

For the Federal Law Enforcement Training Center, \$224 million is included to provide preeminent law enforcement training to more than 20,000 Federal law enforcement professionals in the coming fiscal year.

To further strengthen the capacity of the Nation's first responders, a total of \$3.7 billion is provided for the new Office of State and Local Government Coordination and Preparedness, created

by the Secretary of Homeland Security through the use of his reorganization authority. The Department's grant programs have been consolidated under this new office. Included in the amount recommended is \$1.37 billion for State and local basic formula grants, including law enforcement terrorism prevention grants; and \$1.2 billion for urban area security initiative discretionary grants.

Within the urban area security initiative, specific funds have been provided, \$150 million for port security grants, \$150 million for rail and transit security grants, \$15 million for trucking security grants, and \$10 million for intercity bus security grants.

The bill also provides \$700 million for firefighter assistance grants and \$180 million for emergency management performance grants. Both of these programs are continued under the consolidated office as stand-alone programs.

The bill provides over \$5.6 billion for programs and activities of the Directorate for Emergency Preparedness and Response which was created with the transfer of the Federal Emergency Management Agency, FEMA, to the new Department of Homeland Security.

This appropriation includes over \$231.499 million for preparedness, mitigation, response and recovery activities, including \$30 million for 28 strategically located urban search and rescue teams.

Disaster assistance is funded at \$2.151 billion, as requested in the President's budget. The President's request of \$2.15 billion is based on the historical yearly average of \$2.9 billion, and relies on an anticipated carryover balance from the previous year to meet the needs of disaster victims.

Previously appropriated funds of \$2.528 billion, will be available for fiscal year 2005 for Project BioShield to spur the development of biodefense countermeasures.

In addition, the bill assumes the transfer of the Strategic National Stockpile to the Department of Health and Human Services, as proposed in the President's budget.

For the Department's information analysis and infrastructure protection activities, the bill recommends \$876 million to identify and assess current threats to the homeland, map threat information against current vulnerabilities, issue timely warnings, and take preventive and protective action.

A critical component of IAIP is the development and implementation of protective actions for the Nation's critical infrastructures. The bill provides \$193 million to carry out activities including the buffer zone and site security program for protection of chemical facilities, nuclear power plants, nuclear spent fuel storage facilities, water treatment facilities, bridges, subways, tunnels, and other critical infrastructures.

To identify these critical infrastructures and their vulnerabilities, to as-

sess identified risks, and to deploy a database of critical infrastructures, the bill provides \$65 million.

The bill provides \$92 million to allow for the Department to share data with infrastructure owners and operators regarding vulnerabilities and for the hosting of departmental applications, network connectivity, and critical data storage.

As part of the effort by IAIP to better secure not only physical assets but also cyber assets, the bill includes \$67 million to monitor, predict, and prevent cyber attacks, to minimize the damage from and to efficiently recover from attacks.

For science and technology, total appropriations of \$1.1 billion are recommended to support homeland security through basic and applied research; to develop prototypes; and to procure technologies to detect, destroy, dispose, and mitigate the effects of weapons of mass destruction.

Of this amount, the bill provides \$346 million for biological countermeasures to deter, detect, and mitigate acts of biological terrorism against the United States.

The bill also provides \$128 million for nuclear and radiological countermeasures for use in operational environments; \$52 million for the development of technologies to defend against attacks by chemical warfare agents or toxic industrial chemicals; and \$34 million for high explosives countermeasures, including \$24 million for rail security high explosives countermeasures.

A total of \$75 million is made available for the rapid development and prototyping of new technologies in support of homeland security.

The bill also continues funding of \$69 million for the establishment of a university-based system to enhance and strengthen the efforts of homeland security on our Nation's campuses.

Funding of \$61 million is provided for research, development, testing, and evaluation of an anti-missile system for commercial aircraft.

Mr. President, I know other Senators wish to speak on the bill, and some want to make opening statements. I think particularly the distinguished Senator from West Virginia has a statement to make on the bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3597

Mr. BYRD. Mr. President, on behalf of myself and Mr. LEAHY, Mr. REID of Nevada and Mrs. CLINTON, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from West Virginia (Mr. BYRD) for himself, Mr. LEAHY, Mr. REID, and Mrs. CLINTON, proposes an amendment numbered 3597.

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

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

The amendment is as follows:

(Purpose: Fulfilling Homeland Security Promises)

At the appropriate place in the bill insert the following:

TITLE VI—ADDRESSING KNOWN VULNERABILITIES

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION
SALARIES AND EXPENSES

For an additional amount for "Customs and Border Protection, Salaries and Expenses", \$100,000,000, to remain available until September 30, 2006, of which not less than \$50,000,000 shall be for purchase and deployment of radiation portal monitors, and not less than \$50,000,000 shall be for staffing at the northern border in fulfillment of the USA PATRIOT Act and the Enhanced Border Security Act.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Immigration and Customs Enforcement, Salaries and Expenses," \$11,000,000, to remain available until expended, for detentions and removals.

FEDERAL AIR MARSHALS

For an additional amount for the Federal Air Marshals, \$50,000,000.

TRANSPORTATION SECURITY

ADMINISTRATION

AVIATION SECURITY

For an additional amount for necessary expenses of the Transportation Security Administration related to aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597), \$100,000,000, to remain available until expended, for activities related to screening passengers and carry-on baggage for explosives.

TRANSPORTATION SECURITY

ADMINISTRATION

MARITIME AND LAND SECURITY

For an additional amount for necessary expenses of the Transportation Security Administration related to maritime and land transportation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597), \$4,000,000, for hazardous materials security grants.

UNITED STATES COAST GUARD

ACQUISITION, CONSTRUCTION, AND

IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements," \$324,000,000, to remain available until September 30, 2009, for the Integrated Deepwater Systems program.

OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS

STATE AND LOCAL PROGRAMS

For additional amounts for "State and Local Programs," \$665,000,000: Provided, That of the amounts made available under this heading: \$440,000,000 shall be for discretionary grants for use in high-threat, high-

density urban areas as determined by the Secretary of Homeland Security; \$125,000,000 shall be for port security grants; and \$100,000,000 shall be for grants for interoperable communications equipment.

SECURITY ENHANCEMENTS FOR HIGH-RISK NON-PROFIT ORGANIZATIONS

For discretionary assistance to non-profit organizations (as defined under section 501(c)(3) of the Internal Revenue Code of 1986) determined to be at high risk of international terrorist attack, \$50,000,000.

MASS TRANSIT AND RAIL SECURITY

For necessary expenses related to mass transit, freight and passenger rail security grants, including security grants for AM-TRAK, a backup communications facility for the Washington Area Metropolitan Transit Authority, security upgrades for various rail tunnels, research and development of rail security methods and technology, capital construction, and operating requirements, \$350,000,000.

FIREFIGHTER ASSISTANCE GRANTS

For an additional amount for "Firefighter Assistance Grants," \$46,000,000, to remain available until September 30, 2006.

EMERGENCY PREPAREDNESS AND RESPONSE

FIREFIGHTER HIRING GRANTS

For activities authorized by section 34 of The Fire Prevention and Control Act of 1974 (15 U.S.C. 2001 et seq.), \$100,000,000, to remain available until expended.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION ASSESSMENTS AND EVALUATIONS

For an additional amount for "Assessments and Evaluations", \$200,000,000, to remain available until September 30, 2006, of which \$100,000,000 shall be available for chemical facility security improvements; of which \$100,000,000 shall be available for grants to States, municipalities, or intermunicipal or interstate agencies for security improvements to address known vulnerabilities to water systems.

Mr. BYRD. Mr. President, the President of the United States has been out on the campaign trail asking the question, is America safer? That is a good question. Is America safer? That is a good question. President Bush concludes that America is safer. He pats himself on the back, wraps himself in the flag, and tells Americans that he is a war President and that we should trust him.

The President is asking himself the wrong question. He asserts that America is safer. Well, safer than what? Safer than we were on September 11, 2001?

In August of 2001, while in Crawford, TX, the President read an intelligence report providing clear warnings that al-Qaida was preparing to attack the United States. Yet, tragically, on September 11, 2001, Americans were not safe. Therefore, telling Americans that we are safer than we were on September 11 is not much of an accomplishment. Making America safe is not that simple.

The President should be asking himself, in the 3 years since the terrorist attacks of 9/11 have we been taking the prudent steps necessary to address the clear and present dangers that we face right now and that we know of right now? Last week President Bush said:

This election will also determine how America responds to the continuing danger of terrorism—and you know where I stand. Three days after September 11 I stood where Americans died in the ruins of the twin towers. Workers in hard hats were shouting to me, "whatever it takes."

The President said:

Since that day I wake up every morning thinking about how to better protect our country. I will never relent in defending America, whatever it takes.

Rhetoric is easy. Rhetoric is cheap. But the followup is hard. If the President meant what he said last week he would not be satisfied with a bill that cuts funds for first responders. He would not be satisfied with a bill that leaves first responders unable to communicate. He would not be satisfied with a bill that leaves airline passengers worrying about explosives on board, or that fails to adequately invest in securing our ports, our chemical facilities, and our trains. We have to match talk with action and I hope the people will remember that, insist on it, and hold us responsible if we don't do it. And that goes for the President as well.

In response to authorization bills signed by the President but not funded, in response to 9/11 Commission recommendations, and in order to address well known vulnerabilities not funded in the committee bill, I have offered an amendment today that totals \$2 billion and includes \$586 million to equip and train our first responders and to address the interoperability radio communications problem. Consistent with the 9/11 Commission recommendation, all of these first responder funds will be allocated based on threat.

Moreover, I am adding \$350 million to help secure our rail and mass transit system. Also included is \$324 million to expedite the modernization of Coast Guard ships, planes and helicopters, bringing funding for the Deepwater program to the level recently authorized by Congress and signed by the President. Also included is \$150 million for improved air security for purchasing equipment for screening passengers and carry-on baggage for explosives, consistent with 9/11 Commission recommendations.

How many people realize that we do not have the equipment that checks airline passengers for explosives? People may think that we do have it. We do not. We have equipment that checks passengers' carry-on for guns, metal objects, but not explosives. Now, remember that. Keep that in mind. So, included in my amendment is \$150 million for improved air security for purchasing equipment for screening passengers and carry-on baggage for explosives.

Also, there is \$125 million for port security grants, \$111 million for border security for additional radiation detectors, additional border patrol personnel and for improved detention and removal, \$100 million for hiring additional fire personnel, \$100 million for securing our drinking water systems,

\$100 million for securing chemical facilities. In the Kanawha Valley in south central West Virginia there are chemical facilities. There is a great complex of chemical facilities, as great as any other in the Western Hemisphere, I would say.

Also included in this amendment is \$50 million for grants to secure non-profit organizations such as hospitals, colleges, churches and synagogues, and \$4 million for hazardous materials and grants.

This amendment meets critical needs. It addresses vulnerabilities that we all know exist. And let there be no doubt. If we know that these gaps exist, so do the terrorists know these gaps exist.

It has been more than 2½ years since Richard Reed, the so-called "shoe bomber," tried to blow up a Miami-bound aircraft over the Atlantic Ocean with explosives that he carried onto the aircraft. Only last month, two Russian airplanes simultaneously were blown out of the sky most probably by Chechnyan terrorists who carried the explosives on board the aircraft. The 9/11 Commission report states clearly and succinctly that the threat posed to passenger aircraft by explosives being carried onto the plane is real. Yet the President has not responded, so the Senate must respond.

The additional \$100 million in this amendment will significantly expand the effort to screen air travelers for explosives and chemical weapons. We know that newly developed passenger portals can detect whether passengers are carrying explosives. These systems have been tested, and these systems have been proven to work. We need the money to deploy these systems at our Nation's airports. Lives depend on it. Those of you who travel on aircraft, your lives depend on it.

Following the March 11 Madrid railroad bombing, the administration issued security bulletins to law enforcement officials and transit authorities warning of the danger of similar attacks here at home.

So that is what we did. We issued security bulletins.

Crowded trains are inviting targets for terrorists. Busy transit stations allow for easy access, anonymity, and quick escape. Yet the administration requested no new funding to secure mass transit facilities.

Your lives depend on it.

We cannot continue to deceive the American people. The American people believe they are being made safe. They undoubtedly believe the passengers are being examined, tested, and checked for carry-on explosives.

Under Secretary Asa Hutchinson said "millions of Americans travel by rail every day and recent world events highlight the need to ensure they are kept safe from acts of terror." Yet this White House proposed no new funds, just an unfunded mandate. Paper directives and press releases will not—will not—stop terrorists bombs.

On May 6, 2004, the Senate Banking Committee on a bipartisan basis approved S. 2453 which authorizes \$5.2 billion for transit security. On May 21, 2004, the Senate Commerce Committee, also on a bipartisan basis, approved S. 2273 which authorizes \$1.2 billion for additional rail security activities.

On a broad bipartisan basis, these committees have recognized the overwhelming need for this Congress and this administration to step up to the plate and robustly address the security threat facing our rail and transit systems. The President has not responded. The Senate absolutely must respond. So my amendment includes \$350 million for transit security grants.

Three years now after 9/11, despite hundreds of firemen losing their lives in the World Trade Center because they could not receive emergency radio messages to evacuate, the Federal Government has contributed little to the efforts to solve the interoperability communications problem. In fact, the President proposes to terminate the Justice Department's Interoperable and Communication Grants Program and proposes no funding for fire departments and other first responders through the Department of Homeland Security.

What in the name of Heaven is the President waiting on?

This amendment provides \$100 million for interoperable communications equipment. The Senate Commerce-Justice-State bill is expected to include \$100 million for the COPS Program to improve interoperable communications for police departments. Why not make sure that police, fire, and emergency medical personnel can communicate with one another? The \$100 million contained in my amendment meets only a fraction of the need. But it is a critical start.

While States can use their first responder grants to solve the interoperability problem, many States have not chosen to use first responder dollars to address this problem because of the complexity of multijurisdiction and multiagency purchases, and because of competing demands on first responder funds. In 2003, according to the Alliance in Support of America's First Responders, only 3 percent of the funding was dedicated for interoperable communications equipment. A separate funding source is required to overcome these hurdles. My amendment accomplishes that goal.

The 9/11 Commission recommends allocating first responder funds based on threat rather than on population. My amendment adds \$440 million to the \$875 million currently provided in the Senate bill for urban areas security initiative grants. These grants are targeted to cities that are determined to be at greatest risk of a terrorist attack, that have the highest number of critical assets such as tunnels, bridges, and chemical plants, and have population density. We need to get funds to places that are most at risk.

On August 1, the Department had such specific threat information that it moved northern New Jersey, Washington, DC, and New York City from Code Yellow to Code Orange. We must back up such targeted warnings with funds, and the Urban Area Security Initiative Program allows the Secretary to send funds where they are needed most—not based on formula but based on facts.

The Council on Foreign Relations report, authored by former Senator Warren Rudman, found that America will fall approximately \$98.4 billion short of meeting critical emergency responder needs in the next 5 years. Cities are spending an additional \$70 million per week on personnel costs alone. Funding urban area security initiative grants is the only way to ensure that the Department of Homeland Security can get moneys to the cities that are most likely at risk.

My amendment also provides an additional \$46 million for the Fire Grant Program to restore the program to current levels and avoid an ill-advised funding cut. In the current threat environment, why in the world would one slash fire grant funding?

This year, the Fire Administration received 20,366 applications totaling \$2.6 billion from local fire departments. The bill provides \$700 million for the program. As one of the pillars of the first responder community, it is essential that our firefighters have the best equipment and the best training possible, but because of shortsighted administration budgets, too many fire departments are being left high and dry.

What about our borders? What about our national borders? The U.S. Customs and Border Protection Agency, CBP, has a 5-year plan for deploying radiation portal monitors at our ports. The plan calls for deployment of approximately 2,000 of these monitors at locations around the country based on assessment of the nuclear smuggling threat, focusing on nuclear weapons, nuclear weapons material, radiation dispersal devices, and other illegal or illicit radioactive material. Why should we wait for a 5-year plan? The additional \$50 million in this amendment will allow CBP to deploy radiation portal monitors to screen 100 percent of the inbound containerized cargo at 30 additional seaport terminals, thus completing the deployment of these monitors at America's top 22 seaports and several Southwest border land crossings. Let's start now.

My amendment also addresses the need for more personnel on our borders. The USA PATRIOT Act, passed in the immediate aftermath of the September 11, 2001, attacks, calls for a tripling of the number of border patrol agents as well as Customs Service and Immigration and Naturalization Service inspectors on the northern border. While the border patrol has met the PATRIOT Act requirements to increase the number of agents on the northern border, the number of Customs and Border

Protection—CBP—officers remains woefully inadequate. In May of this year, the CBP was 1,428 officers short of the goal. I repeat, in May of 2004, the CBP—Customs and Border Protection—was 1,428 officers short of the goal. Yet, incredibly, the agency has been stuck in a hiring freeze ordered by the administration in March. The \$50 million provided in this amendment will add 439 new CBP officers, getting us almost a third of the way toward meeting the PATRIOT Act requirement.

My amendment also includes \$324 million for the Coast Guard Deepwater Program. Prior to September 11, 2001, the Coast Guard began to modernize its fleet of assets. The program, named Deepwater, called for the modernization or replacement of some 100 cutters and 200 aircraft over a 20-year period.

Since the attacks on September 11, the Coast Guard's responsibilities have grown substantially. As a result, assets vital to homeland security are being used more today than ever in the Coast Guard history. The Government Accountability Office recently reported that "resource usage—as measured by the number of hours the Coast Guard's cutters, boats and aircraft are used to perform its mission—was up almost 40 percent from pre-September 11 baseline."

The Coast Guard Commandant, in testimony before the Senate Appropriations Subcommittee on Homeland Security, testified that the current condition of the aging fleet threatens Coast Guard mission performance. He testified that Coast Guard assets are in a "declining readiness spiral." Yet the President does not respond. What happened to "whatever it takes"? The President's budget for the Deepwater Program will take 22 years to complete. This is 2 years slower than the Capital Improvement Program envisioned when Deepwater was conceived prior to the tragic events of September 11.

My amendment provides \$324 million above the amount provided in the committee bill, the full amount authorized by the Congress and the President just 1 month ago. This funding will address the Coast Guard's "declining readiness spiral." The funding would go to accelerate the Coast Guard's highest priorities, which are to enhance safety and reliability on the HH-65 helicopter, accelerate the design of the fast-response cutter for near-shore missions, and complete design of the offshore response cutter for the high-endurance missions of the Coast Guard. The funding will accelerate the Deepwater Program, finishing it in 15 years instead of the administration's 22-year plan.

We must do more to protect our seaports. The top 50 U.S. ports account for 90 percent of all cargo container tonnage entering the United States. A 1-month closure of a major port would cost our national economy at least \$60 billion, but because of the tremendous volume of containerized cargo, customs officials are inspecting only 5 percent

of the 9 million containers that come into our ports on vessels each year.

The Coast Guard has estimated that \$1.125 billion will be needed in the first year, and \$5.4 billion will be needed over the next 10 years for the ports to comply with the Federal regulations mandated by the Maritime Transportation Security Act which was signed into law by President Bush with great fanfare in November of 2002. However, until this year's budget submission, President Bush had requested no funds—none—for port security. Last year, Congress provided \$125 million for port security grants. Yet, despite telling the people that security is his top priority, President Bush proposes to cut port security funding by 62 percent. Promises are broken once again.

Upon adoption of the Levin-Collins amendment last March, the Senate version of the resolution assumed that \$275 million would be appropriated for port security grants in fiscal year 2005. The bill before the Senate today provides \$150 million. The additional \$125 million in this amendment keeps the port security grant promise that was made in the Senate budget resolution.

The amendment also includes \$100 million to secure our Nation's drinking water systems. The Nation's water infrastructure includes 75,000 dams and reservoirs, 168,000 public drinking water facilities, 16,000 publicly owned wastewater treatment facilities, and thousands of miles of pipes, aqueducts, water distribution and sewer lines. We have a sense of the vulnerability. Why not protect this piece of critical infrastructure?

The amendment also includes \$100 million for chemical security grants. In March 2003, Homeland Security Secretary Ridge said, "There is no question that when we take a look at a chemical facility, the possibility that terrorists could use that economic asset and turn it into a weapon is something that we need to be concerned about and are concerned about."

Apparently that concern has vanished. Since September 11, the Department of Homeland Security has done little to enhance security at the 66,000 chemical plants across this country. This is frightening, when security experts such as Michael O'Hanlon of the Brookings institution called the threat to chemical plants a "ticking time-bomb."

When Secretary Ridge testified last year he said that the chemical industry was better suited to assess vulnerability and take appropriate security measures than the Federal Government. But earlier this year the Government Accountability Office submitted testimony to Congress saying that "Despite the industry's voluntary efforts, the extent of security preparedness at United States chemical facilities is unknown."

When Information Analysis and Infrastructure Protection Under Secretary Frank Libutti testified in March

before the subcommittee, he said the key in working with the chemical industry was "partnership" between the Federal Government and the private sector. Yet almost in the next sentence, he said industry needs to "belly-up" when it comes to paying for improved security. What kind of partnership is that? We should be taking action now instead of rolling the dice hoping that an attack against a chemical plant does not happen.

My amendment also includes \$50 million for hiring additional Federal air marshals. The administration has failed to meet its goal for hiring air marshals. In fact, the administration has allowed the number of air marshals to drop by 9 percent this year. With numerous terrorist threats against our airlines and a 6-percent increase in the number of flights, why allow the number of critical flights covered by Federal air marshals to drop?

Since 9/11, the administration has increased the threat level risk to Code Orange six times. On September 1, Secretary Ridge spoke before the American Legion's national convention and said:

Terrorists in the 21st century represent a daunting enemy. They represent no country, no cause, no flag, no people—yet they have access to a steady supply of technologies, and funds, and willing recruits. They are undeniably methodical and maniacal in both their weaponry and will. They seek to use chemical, biological and nuclear weapons . . . and before them lays a map of the world.

Mr. President, according to the New York Times, on September 7, Vice President CHENEY said:

It's absolutely essential eight weeks from today, on November 2, we make the right choice, because if we make the wrong choice then the danger is that we'll get hit again and we'll be hit in a way that will be devastating from the standpoint of the United States.

What an irresponsible, what an utterly irresponsible statement for a Vice President of the United States, or for any public officer, to make. Think of that.

Let's read that again. According to the New York Times, on September 7, Vice President CHENEY said:

It's absolutely essential eight weeks from today, on November 2, we make the right choice, because if we make the wrong choice then the danger is that we'll get hit again and we'll be hit in a way that will be devastating from the standpoint of the United States.

How utterly irresponsible. What an irresponsible statement for a public officer to make. If the Vice President were all that interested in homeland security, rather than political posturing, he would be urging his Republican colleagues to support this amendment.

The President has said he would do "whatever it takes" to defend America. If the President was being straight with the American people when he said that, he would be supporting—he would be supporting—this amendment. He would support it. It provides \$2 billion

for a targeted set of programs. It implements several 9/11 Commission recommendations. The amendment funds programs that have been authorized by the Congress but not funded by the President.

We cannot make America safer with empty promises. We cannot make America safer with duct tape. My amendment funds the bricks and mortar of a strong homeland defense. It could save countless lives and it offers real security, not just empty rhetoric. What could be wrong with spending a little more to protect the American people? What could be wrong with keeping a promise? What could be wrong with actually doing "whatever it takes"?

I urge the adoption of the amendment.

THE PRESIDING OFFICER. The Senator from Nevada.

MR. REID. Mr. President, before the Senator yields the floor, I, during the break—and I called the Senator at his home and told him that I read his book, which at the time I read it was No. 2 on the New York Times Best-seller List. And I told the Senator that I used this book as a text for several townhall meetings I held.

The Senator wrote this book. I will direct the attention of the body to page 112 of the book, "Losing America." I say to the Senator, through the Chair, in this book you have one, two, three—about four pages of detail of times you personally have tried to increase the funding for homeland security. I refer to page 112, where you say:

On November 14, 2001, the White House opposed the inclusion of \$15 billion for homeland security in an economic security package, including \$4 billion for bioterrorism and food safety, \$4.6 billion for emergency first responders and computer improvements at the federal level, \$3.3 billion for transportation security for airports and ports, \$1.1 billion for border security, \$2 billion for security at nuclear power, water, and other facilities and mail screening, warning that such spending "will only expand the size of government." All Senate Republicans voted to block the funding. . . .

Does the Senator recall that?

MR. BYRD. I recall it.

MR. REID. I refer to this same page:

On December 4, 2001, the Senate Appropriations Committee unanimously sent the fiscal year 2002 defense appropriations bill to the Senate floor for action. The bill included \$13.1 billion for homeland security.

There was a parliamentary point of order raised by the Republicans that reduced the funding.

Is the Senator aware of that?

MR. BYRD. Yes, I am aware of it.

MR. REID. Continuing to quote:

On June 6, 2002, the Senate passed by a vote of 71 to 22 a supplemental money bill that contained \$8.3 billion for homeland security. . . . On June 17, the president's senior advisor recommended a veto of that bill because it contained "excessive" homeland security spending.

Does the Senator recall writing that?

MR. BYRD. Yes.

MR. REID. I say through the Chair to the distinguished Senator from West Virginia, I will continue to quote:

In August 2002, the president failed to make an emergency designation for \$2.5 billion for homeland security to specifically address shortcomings identified by the Rudman/Hart Report on terrorism vulnerabilities. . . . Bush said at the time, "I made my opposition clear. We were pretty plain-spoken. . . . We'll spend none of it."

Does the Senator recall that?

Mr. BYRD. Yes.

Mr. REID. I will not list all of these, but suffice it to say, again, on January 16, as reported in your book, there was a vote on an amendment you had offered to add \$5 billion. By a party-line vote that was defeated. It had \$5 billion. You reduced it to \$2 billion. That was defeated by a party-line vote.

On April 2 and April 3, you had amendments which provided \$4.8 billion more than the President requested. All of the amendments were defeated.

On July 24, 2003, I say to Senator BYRD, you—quoting from your book—"offered an amendment to the homeland security bill that would have provided \$292 million for activities such as port security grants, grants to train firefighters to respond to a terrorist attack, funds to help the Coast Guard provide security at our ports, funds for locating terrorism vulnerabilities at chemical plants" and the amendment was defeated on a party-line vote.

Finally, on September 17, 2003, shortly before we recessed:

. . . in the House-Senate conference on the same homeland security appropriations bill, [the Senator from West Virginia] again tried to add homeland security money, \$1.25 billion for port, aviation, Coast Guard, customs, first responders, and chemical facility programs, and [his] amendment failed on a party-line vote.

Continuing to quote from "Losing America," the Senator from West Virginia wrote:

Nobody can convince me that this White House is serious about homeland security.

The Senator, of course, recalls that. Does the Senator still believe that it appears the administration is not serious about homeland security when time after time they refuse to fund these programs that are essential to the State of Nevada and the rest of the country? Does the Senator agree that they haven't shown any seriousness about this?

Mr. BYRD. There is no question about it. Time after time, as the Senator says, they have turned down amendments of this Senate to enhance the security of our people, our facilities, our properties. Time after time after time. Our pleas have fallen upon deaf ears. And in the nearly 3 years since the tragic events of 9/11, I myself have pressed the Senate to provide additional resources for homeland security. The administration, the President, including the great Vice President we have, consistently opposed these efforts. The President went so far as to threaten to veto bills if they included what the administration characterized as "wasteful spending."

There are many examples—let me give a few—of funding contained in

these amendments that certainly would have helped to make America safer. In November of 2001, Senate Democrats supported my amendment to include \$15 billion for homeland security in an economic stimulus package, including \$4 billion for bioterrorism and food safety; \$4.6 billion for State and local law enforcement and fire training and equipment and Federal computer improvements; \$3.3 billion for transportation security, including airport and port security; \$1.1 billion for border security; \$2.0 billion for security at nuclear power, water, and other critical infrastructure facilities, and for mail screening. The White House opposed the effort, warning of "permanent spending on other projects that have nothing to do with stimulus and that will only expand the size of government."

I could go on with example after example. But I shall simply ask unanimous consent that there be printed in the RECORD a litany of these projects.

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

BYRD AMENDMENT

Provides an additional \$2 billion for the following Homeland Security functions:

\$665 million for the Office of State and Local Government Coordination and Preparedness (\$440 million for discretionary grants for use in high-threat, high density urban areas; \$125 million for port security grants; and \$100 million for grants for interoperable communications equipment);

\$350 million for Mass Transit and Rail Security;

\$324 million for the Integrated Deepwater Systems program of the Coast Guard;

\$100 million for screening passengers and carry-on baggage for explosives by Transportation Security Administration Aviation Security;

\$100 million for Custom and Border Protection Salaries (\$50 million for purchase and deployment of radiation portal monitors and \$50 million for staffing at the northern border);

\$11 million for detentions and removals by Immigration and Customs Enforcement;

\$50 million for Federal Air Marshalls;

\$4 million for hazardous materials security grants of the Transportation Security Administration;

\$50 million to secure high risk non-profit organizations;

\$46 million for Firefighter Assistance Grants;

\$100 million for Firefighter Hiring Grants; and

\$200 million for Information Analysis and Infrastructure Protection.

Mr. BYRD. The President has tried to convince the American people that they are safer because he created a new Department of Homeland Security. Well, reorganizing the deck chairs of our bureaucracy does not make us safer. It takes money. Money.

I have offered this amendment in the hopes the Senate will accept it and that we might take it to conference. This is an opportunity to do what we should do in order to save our people and their homes.

I thank my distinguished friend from Nevada for his contribution to this de-

bate. I thank my friend from Mississippi, the distinguished chairman of the subcommittee on which I serve, the subcommittee making appropriations for homeland security. I thank that Senator. He does the best he can do and has done the best he can do, but he is limited in what he can do. I thank him for his cooperation, for his manner of holding the hearings. He has always been very fair. I thank him. I thank other members of the subcommittee.

But we need to do more. My amendment is an opportunity for the Senate to do more.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, the distinguished Senator from West Virginia has offered an amendment that would increase the Homeland Security appropriations bill, according to the CBO, by \$2 billion.

A variety of accounts are included in the amendment for increases. The Customs and Border Protection account, for example, would be increased under the Senator's amendment by \$50 million for northern border staffing and \$50 million for radiation detectors at ports of entry.

The bill we have before us already includes a \$50 million increase for radiation detectors. The Department has met the goal already of tripling the number of border patrol agents on the northern border. Funds were provided last year in the Homeland Security appropriations bill to ensure that more border patrol agents would be deployed on the northern border. We have provided significant increases for inspector staffing since September 11, 2001. We have included funds, for example, for radiation detection equipment and other detection systems along the northern border.

Last year, Congress provided funding for the permanent establishment of the first northern border air wing to be located in Bellingham, WA. Resources are being made available for a second northern border air wing in New York. We expect further funds will be requested to continue the expansion of coverage of the northern border in future years. It is a challenging undertaking. That border covers over 5,000 miles. It is a daunting task. We cannot accomplish in 1 year or with one amendment all of the goals we have to enhance and improve the protection of our homeland by more sophisticated, more modern deployments along the northern border, but we are making and have made important strides. We cannot achieve every goal immediately. It is going to take time.

My suggestion in opposing this amendment is that we are appropriately identifying the priorities and making the funds available to achieve the goals in a thoughtful, coherent, and successful fashion. The administration is proposing increases in these accounts. We have accommodated those proposals. We have added to many of

the proposals over and above what the administration has requested.

Another example in this amendment offered by my friend proposes a \$50 million increase in the Federal Air Marshal program. The Department has worked to supplement resources for these activities by using transfer authority to increase resources. The Department has used other Federal law enforcement officers to provide additional flight coverage on commercial airliners as needed. The committee recognizes in this bill the needs of this organization, and we have provided an additional \$50 million in this bill for this next fiscal year for Federal Air Marshals out of additional funds provided to this Committee.

Another account is Immigration and Customs Enforcement. The Senator's amendment would add an additional \$11 million for the Immigration and Customs Enforcement, Alternatives to Detention program. The bill already provides \$14.2 million—an increase of \$11 million—providing funding for 30 new positions, as requested by the President, to expand the Alternatives to Detention program. This amendment, if we agree to it, would expand the program 12-fold in a single year.

Another account, Transportation Security Administration. The Senator's amendment proposes a \$104 million increase for the Transportation Security Administration for enhanced passenger checkpoint screening and hazardous material security grants. Last year, our committee proposed and Congress approved \$153.2 million for these activities. In this bill for next year, we have included \$344.3 million for passenger and baggage screener training of all newly hired screeners and for recurrent and advanced technical training for the entire screener workforce to meet proficiency and qualification standards. In addition to the training of screeners, funding is included for an annual proficiency evaluation of all screeners and supervisors to ensure that the screener workforce meets all of the qualifications and standards required to perform their duties as required by the Aviation Transportation Security Act.

For this fiscal year, 2004, \$33 million was made available for airport passenger security checkpoint support. For this next fiscal year, in this bill we provide \$161 million—\$128 million more than last year's level and \$75 million more than the President's request. This bill is meeting the challenge. We are providing the funds that will enable the Department of Homeland Security to have well-trained, well-qualified personnel doing these jobs in our airports, that will meet the requirements of the law and also meet the expectations we all have to use the airlines for qualified, capable, and dependable workforce participants.

The additional funding we have provided above the President's request is available also to deploy explosive trace detection portals, taking advantage of new technologies that are being devel-

oped which help ensure that we do the best possible job, the most thorough job of making sure people are not getting on the airplanes with explosive materials. This is something the distinguished Senator from West Virginia has made a point of in our hearings and in statements on the Senate floor—the challenge that is provided by these dangers. We are doing what ought to be done by providing the funds to take advantage of new technology, to encourage development of new technology to help us meet these goals.

The Senator's amendment also proposes a \$324 million increase in the Coast Guard's Deepwater capitalization budget. I am excited about the Deepwater Program and the plans the Coast Guard has for modernizing and improving its fleet. This needs to be done. In testimony in our hearings, we learned that some of our Coast Guard cutters have hulls that are rusting away. Some are dangerous to operate. They are a threat in some cases to the men and women who serve in the Coast Guard. We cannot tolerate that. So it is time for us to make new investments in refurbishing and building new ships and boats for the Coast Guard, and other equipment, such as helicopters. The whole point is the bill we presented to the Senate, though, funds each asset requested in the budget within the Coast Guard's acquisition, construction, and improvement account. It has requested funds it can reasonably and efficiently use in the next fiscal year, and our committee has recognized and agreed with this need to address the top priorities of the Coast Guard sooner rather than later.

So we have increased the funding for reengineering the HH-65 helicopter and have moved forward the plan design of the offshore patrol cutter.

You cannot build a ship, though, before it is designed. You cannot modernize before you have the preliminary work done. So what we are doing is providing the funds that can be used by the Coast Guard to advance the construction program and to modernize their fleet.

The bill before us has already increased the Deepwater account \$98 million above the President's request. We are bordering on overdoing it already, but I am satisfied these additions are necessary and they are justified. Going to the level proposed in this amendment is overdoing it.

In the Office of State and Local Government Coordination and Preparedness, the distinguished Senator's amendment would add over \$700 million to the First Responder Grant Programs.

Some Senators have suggested that we carefully review the Hart-Rudman report, which I did when I was asked to serve as chairman of this subcommittee and talked with my good friend, the former Senator from New Hampshire, who helped write that report to get his thoughts and to find out all I could about their suggestions.

What they suggested was there was a \$98 billion unfunded need for first responders, but the report says this: The budget estimates are preliminary and the estimates they make in their report are preliminary. It depends upon other factors. And the report "cannot be more precise in the absence of systematic national requirements methodology and that the development of such a methodology is badly needed."

Rather than bank on a number that was reached up and brought out of thin air, the administration has gone to a more authoritative Commission that was given the responsibility of doing what they said, and that is to develop a methodology.

That has been done and suggested by the Commission, the Gilmore Commission. It is an advisory panel to assess domestic response capabilities for terrorism involving weapons of mass destruction.

The Gilmore Commission's final report, which was issued in December of 2003, includes the following statement:

Prognostication about the amount of funding that the Federal Government should provide in the near future is premature at best. Recent calls for the funding upward of \$100 billion is, in our view, not the wisest approach. Federal funds have started to flow. Absent a more clear articulation of an end state and the levels of preparedness sought to be achieved with some reasonable way to measure our efforts, any attempts to establish an overall price tag is mere speculation and could be politically unwise.

I agree with that. We have carefully reviewed at our hearings the testimony of experts, those who are in the administration as well who have responsibilities for administering these programs. We have questioned them. We have cross-examined them to find out what the facts are, what are the needs.

There is adequate funding in the pipeline, I suggest, now for first responder grants. A pipeline is only so big. You can stuff it full of money and you stop the flow. We do not want to do that. So I think we have to be careful about how much we direct the administration to spend and make sure it can be efficiently used, effectively used, and will achieve the goals we all share.

I am hopeful the Senate will agree that we should not overdo it. We do not need to overspend, and overspending is not going to make us a safer or more secure Nation. Throwing money at complex, technical problems will not produce the results we need for a safer and more secure homeland.

Having said those things in an effort to put in context the proposal that is before the Senate from the distinguished Senator from West Virginia, and my views, at least, of why we should support the committee's recommendation, additionally, I am constrained to observe that because of the Congressional Budget Office assessment that this amendment would call for spending \$1.889 billion in additional funds, over and above the \$32 billion that is already included in this bill, it is beyond the allocation of the committee, as agreed to by the Senate

Committee on Appropriations yesterday. And because it exceeds that allocation, I am constrained to 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 Senator from Nevada.

Mr. REID. Mr. President, I had the good fortune, when I was home this past break, to meet all the sheriffs of Nevada. They have a lot of problems with the unfunded mandate because of the homeland security—

Mr. COCHRAN. Mr. President, haven't I made a point of order? Doesn't that require a ruling of the Chair?

The PRESIDING OFFICER. A point of order has been made against the pending amendment.

Mr. REID. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I did not hear the point of order as it was being made, but I understand it has been made.

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. But I also ask unanimous consent, Mr. President, that there may be a few minutes for debate of the point of order and/or the motion to waive.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, I have no objection to there being some opportunity for debate for those who may want to debate it. I hope we can move to a vote on the motion to waive, and it should not be delayed. I understand the Democrats have a luncheon they are looking to attend some time around quarter of 1. I hope we can vote before then.

The PRESIDING OFFICER. Without objection, it is so ordered. There will be time for debate on the motion to waive.

Is there a sufficient second on the yeas and nays?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I will be brief. I met with the chief law enforcement officers of the counties of Nevada. Without any hesitation, they said they are having tremendous difficulties meeting their responsibilities because of the unfunded mandates that have been required as a result of this homeland security problem that faces all America.

As an example, I say to the two managers of the bill, one big problem we have is inoperability. They cannot communicate with each other through their radio, not only police, but they cannot speak to the fire officials. That

is something that needs to be done. That is not covered in this bill.

With the additional funding that is requested by the Senator from West Virginia, we could start that program, something that is so important and needs to be done, and the sheriffs and law enforcement officers of Nevada need that very badly. Inoperability of communications is important. With regard to the gates and the screening, one reason we have these tremendously long lines all over America is we do not have enough people to do the work.

We need to hire some more people. I appreciate what the Senator from Mississippi said, that we are doing more training. We need to accelerate this significantly.

I say to my friends, the managers of this bill, we, of course, are faced with the problem—the Senator from Mississippi says, well, the committee is funding what the administration requests. That is the whole problem. They are not requesting enough. The fact that they are meeting what the administration has suggested is not appropriate. There is a lot more that needs to be done and I again refer to "Losing America: Confronting a Reckless and Arrogant Presidency," which shows in script, beginning on page 98, but specifically this morning I referred to pages 112 through 115, where we have tried time and again to see if we could get funding for problems that are so important to this country, programs that deal with seaports, airports, border security, nuclear facilities, first responders, and we have been turned down every time.

Last year, when we approved funding for Iraq early in the year of \$69 billion, later in the year of \$87 billion in supplemental funding, could we not spend \$2 billion rather than in Iraq and use it at home and take care of the law enforcement officers in Nevada, take care of all the other requests we have to make our homeland more secure?

I ask unanimous consent that I be added as a cosponsor to Byrd amendment No. 3597 and extend my appreciation to the Senator for offering this amendment.

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

The Senator from West Virginia.

Mr. BYRD. How much time do we have remaining?

The PRESIDING OFFICER. No specific debate time was allocated.

Mr. BYRD. Very well. Mr. President, I commend the chairman for the work he has done. Nothing I have said is in any way any criticism of his work. I commend him for producing a balanced bill. Given the constraints under which we are being forced to operate, he has done his best. I have no criticism of him whatsoever, but I would argue that \$2 billion is not that large for the very short list of programs in this amendment that address vulnerabilities that are well known. Indeed, most of these programs have been authorized by the Congress and the President and this

amendment tries to provide the authorized funding.

Regarding the Deepwater Program, the Coast Guard authorization bill Public Law 108-293 authorizes \$1.1 billion for the Coast Guard's Deepwater Acquisition Program. My amendment provides an additional \$324 million to meet the authorization level for this critical activity.

It was the USA PATRIOT Act, Public Law 107-56, which authorized a tripling of the number of border patrol agents and legacy immigration and Customs agents on the northern border. That law was passed nearly 3 years ago and this administration has failed to provide the funds to meet the authorization. My amendment adds \$50 million so we can get nearly one-third of the way toward meeting the requirements of the law.

The Maritime Transportation Security Act, Public Law 107-295, created the Port Security Grant Program. It called upon the Coast Guard to provide estimates of the costs for that program. The Coast Guard has estimated that \$1.125 billion will be needed in the first year and \$5.4 billion will be needed over the next 10 years for the ports to comply with the Federal regulations mandated by the Maritime Transportation Security Act which was signed into law by President Bush with great fanfare in November 2002.

Despite the President's paucity of funding requests to implement the law, the Congress has stepped up to the plate and has appropriated a total of \$493 million towards these grants.

The Senate version of the budget resolution assumed that \$275 million will be appropriated for port security grants in fiscal year 2005. The bill before us today provides \$150 million. By adopting this amendment, the Congress still will have provided over 4 years only \$768 million of the Coast Guard's first-year cost estimate of \$1.125 billion for port security grants, but the additional \$125 million in this amendment will meet the assumption for port security grants made in the Senate budget resolution.

On May 6, 2004, the Senate Banking Committee, on a bipartisan basis, reported S. 2453 which authorizes \$5.2 billion over the period of fiscal year 2005-2007 for transit security activities under its jurisdiction. On May 21, 2004, the Senate Commerce Committee, also on a bipartisan basis, reported S. 2273 which authorizes more than \$1 billion for rail security activities under its jurisdiction over the period of fiscal year 2005-2009. My amendment provides \$350 million in security grants to rail and transit systems. Combined with the funds provided in the committee-reported bill, we still fall more than halfway short in meeting the requirements of these bills. The authorization bills and the laws written and passed by this Congress by overwhelming margins and signed into law by the President clearly demonstrate a far greater funding

need than that contained in my amendment. My amendment, which would implement several 9/11 Commission recommendations, is but a small step in meeting the homeland security requirements authorized already by the Congress.

The President has said he would do whatever it takes. However, his budget takes a hike when it comes to actually funding homeland security.

I note that, and I agree with Chairman COCHRAN, we must operate within limits on spending, but the limits must be set at a level that allows the Congress to fund homeland security programs that address clear dangers. We are debating an amendment that provides \$2 billion for securing our homeland. In the last 3 years, the President has signed three tax cuts. These tax cuts increased our Federal deficit for fiscal year 2005 by \$232 billion. Where were the limits? Where were the limits on the tax cuts? Where are those voices who say we are overdoing it in this amendment? Where were they when it came to the tax cuts? Did we overdo the tax cuts?

The President increased our deficits for fiscal year 2005 by \$232 billion in tax cuts, but we cannot afford \$2 billion today for securing our rail systems, for securing our chemical plants, or making sure a terrorist does not blow another plane out of the sky.

In summary, in the nearly 3 years since the tragic events of 9/11, I have pressed the Senate to provide additional resources for homeland security and the President consistently opposed those efforts. He went so far as to threaten to veto bills if they included what the administration characterized as wasteful spending. Let me give a few examples of funding contained in those amendments that certainly would have helped make America safer.

In November of 2001, Senate Democrats supported my amendment to include \$15 billion for homeland security in an economic stimulus package, including \$4 billion for bioterrorism and food safety, \$4.6 billion for State and local law enforcement and fire training and equipment and Federal computer improvements, \$3.3 billion for transportation security, including airport and port security, \$1.1 billion for border security, \$2.0 billion for security at nuclear power, water, and other critical infrastructure facilities, and for mail screening. The White House opposed the effort, warning of "permanent spending on other projects that have nothing to do with stimulus and that will only expand the size of Government."

On November 28, 2001, Office of Homeland Security Director Tom Ridge wrote to me and said, "... no additional resources to protect the homeland beyond what the President has already requested are needed at this time."

Senate Republicans, under pressure from the White House, objected to the "emergency designation" for the home-

land security funding and voted to block the funding.

On December 4, 2001, the Senate Appropriations Committee reported, by a vote of 29-0, the fiscal year 2002 Defense appropriations bill. This bill included \$13.1 billion for homeland security programs, \$8.7 billion above the President's request. In a meeting with congressional leaders, President Bush threatened to veto the Defense appropriations bill that contained the additional homeland security funding.

On December 6, 2001, Senate Republicans, voted against the "emergency designation" for the homeland security funding. As a result, homeland security funding was reduced by \$4.6 billion, from \$13.1 billion to \$8.5 billion.

Under further pressure from the White House, conferees further reduced homeland defense funding from \$8.5 billion to \$8.3 billion, a level that was still \$3.9 billion above the President's request. In reducing the funding from \$13.1 billion to \$8.3 billion, funding was reduced for bioterrorism and food safety, border security, airport security, port security, nuclear facility security, and postal security.

In June of 2002, by a bipartisan vote of 71-22, the Senate passed a supplemental appropriations bill that included \$8.3 billion for homeland security. The funding was allocated based on a series of five bipartisan hearings held by the Senate Appropriations Committee when the committee heard testimony from Governors, mayors, police, fire fighters, emergency medical and other first responders, port security specialists and other experts in the field of counterterrorism, seven cabinet officers and the Director of the Federal Emergency Management Agency.

On June 17, 2002, the President's senior advisors recommended a veto of the Senate version of the supplemental bill because it included what they asserted was excessive homeland security spending.

Under pressure from the White House, the conferees agreed to reduce homeland defense funding from \$8.3 billion to \$6.7 billion. Funding was reduced for food safety, for cyber security, for solving the first responder radio interoperability problem, for nuclear security, for increased lab capacity to determine whether biological or chemical weapons have been used in a potential attack, for airport security, port security, and water security.

Then, in August of 2002, the President refused to spend \$2.5 billion that Congress had approved for homeland security. The President chose not to make the emergency designation, asserting that the contingency emergency fund contained wasteful spending.

In making that decision, the President blocked funding for homeland defense programs that would have specifically addressed known shortcomings including: firefighting grants; security improvements at our nuclear plants and labs; grants to make police and fire

communications equipment interoperable in response to weaknesses identified on September 11; port security grants; airport security funding, including funds for more Federal air marshals; Coast Guard funding; law enforcement resources for State and local governments for police equipment and training; FBI funding for counter terrorism and information technology enhancements; urban search and rescue teams; cyber security improvements to protect our economy; food and water security, including funds for addressing the threat of mad cow disease; border security; dam and reservoir security; and Customs Service funds to increase the number and quality of the inspections of the six million cargo containers that come into this country each year.

President Bush announced at his economic forum in Texas that he was rejecting the \$2.5 billion bipartisan homeland security funding package. President Bush said, "I made my opposition clear. We were pretty plain-spoken. . . I understand Congress's position, and today, they're going to learn mine. We'll spend none of it."

In connection with the fiscal year 2003 omnibus appropriations legislation, the White House said, "the administration strongly opposes amendments to add new extraneous spending to the package." On January 16, 2003, Senate Republicans fell in line behind the President and voted 45-51 to defeat an amendment that I offered to add \$5 billion for homeland security activities for port security, airport security, border security, nuclear security, and for implementing the President's smallpox vaccine plan.

My amendment included \$300 million for mass transit security. Perhaps if that amendment had been adopted, we would be better prepared today to prevent a terrorist attack on our subways, buses and trains.

On January 29, 2003, the President, in his State of the Union message to the Congress said, "Whatever action is required, whenever action is necessary, I will defend the freedom and security of the American people."

Three months later, on April 2 and 3, 2003, the White House opposed all five amendments that I prepared for consideration on the fiscal year 2003 emergency Iraq/Afghanistan war supplemental to increase funding for homeland security programs. In total, the amendments would have provided \$9 billion, \$4.8 billion more than the President requested. All of the amendments were defeated on virtual party-line votes. Funding was rejected for radiation and portal monitors, for grants to public transit agencies for security of transit facilities against chemical, biological, and other terrorist threats, for grants to improve communications within and among first responders, for funds for the Coast Guard to implement the Automated Identification System and other tracking systems to

actively track and monitor vessels operating in United States waters, for port security, and for the FBI.

Then, in July of 2003, I offered an amendment to the fiscal year 2004 Homeland Security appropriations bill to add \$1.75 billion for homeland security programs. The amendment was defeated 43-50. The amendment included funds to implement several authorization laws that the President had signed shortly after 9/11, but then failed to either adequately fund or fund at all, including the Maritime Transportation Security Act of 2002, the Enhanced Border Security and Visa Entry Reform Act of 2002, the Aviation and Transportation Security Act, and the USA PATRIOT Act. Once again, funding was rejected for mass-transit security, for securing the northern border, for air-cargo security, for port security and for first responders.

In the September 2003 conference on the fiscal year 2004 Homeland Security appropriations bill, I tried again to add \$1.25 billion to the bill, and the effort was defeated on party-line vote of the conferees of 8-9. The amendment would have added \$375 million for port security grants, \$400 million for aviation security, \$66 million for implementation of port security enhancements required by the Maritime Transportation Security Act, \$34 million for the Coast Guard Deepwater Program, \$125 million for 1,300 additional Customs inspectors at the borders, \$200 million for first responder grants, and \$50 million to enhance security at chemical facilities.

I urge that the Senate waive the point of order.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the distinguished Senator from Nevada made a couple of points that I think require response. One was that no funds are available in this bill for local law enforcement and other first responders for interoperable communications and other new technologies. The Senator is correct, we are not directly funding local law enforcement officials interoperable communications needs, but they are eligible for funds provided to States in this bill by the Office of State and Local Government Coordination and Preparedness to help improve technologies, communications equipment, training, and other activities that are important to enhance the capabilities of the first responders, whether they are fire departments, law enforcement officials, or the like.

We are providing funds in broad grant programs to States and localities in order for them to have the ability to make the decisions at a local level in determining what their greatest needs may be.

In addition, the National Sheriffs Association, for example, has developed a nationwide program for other sheriffs' departments—the Pegasus Program—I know some sheriffs in my State are actively involved in helping convince others they ought to take advantage of

that program. I know another program in my State that has gotten Federal funds from the Justice Department and is available on the Mississippi Gulf Coast now, a new interoperable communications system, computer based, where laptop computer capability will be available in patrol cars, other vehicles, and in police stations, in sheriffs' departments along the Mississippi Gulf Coast so they can keep up with what each jurisdiction is doing. They will know if an arrest has been made of someone who may have escaped from a jail in one of the adjoining counties.

All of these law enforcement officials along the coast will be able to have access to that information immediately because of this new system.

So opportunities are available to local jurisdictions to take advantage of new programs that are being developed and made available to help achieve the goals that my friend talks about. We all share those goals.

One other point on that subject. The committee provides in this bill, \$30 million "for direct technical assistance to State and local governments." And, of this amount, \$20 million, it says in the report on page 57, "is for the Interoperable Communication Technical Assistance program to enhance interoperability of public safety communications." So technical assistance is available directly from funds that are in this bill to achieve the goals to which the Senator from Nevada has alluded.

We are encouraging the Department to consider designating a lead organization within the Department to provide technical assistance for interoperable communications. I think we are meeting our challenge in this area under the restraints that we have to impose. We can't fund everything directly. We don't want to get in the business of choosing one communications system over another, and I haven't meant to do that by pointing out two in my State that I happen to know about. We are letting local jurisdictions make those decisions. We do not have to make those decisions as Members of the Senate. We are not competent to make those decisions. So I don't want to start writing into our bill a specific communication system and then funding it and trying to make it available to all of the jurisdictions throughout the United States. We would run out of money quickly if we tried to do that.

But I think we are meeting the challenge, and I hope Senators will agree and will support the point of order and vote against the motion to waive the point of order.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Mississippi knows how much I care about him and respect him. But \$20 million for interoperability is so short of what is needed. The 9/11 Commission Report states, among other things:

... high risk urban areas such as New York City and Washington, D.C., should establish

signal corps units to ensure communications connectivity between and among civil authorities, local first responders, and the National Guard. Federal funding of such units should be given high priority by Congress.

The city of New York alone is more than \$20 million. The State of Nevada is around \$6 or \$7 million. So \$20 million is a literal drop in the bucket. I repeat, if we can, through supplemental funding, provide \$69 billion, \$87 billion in 1 year in supplemental funding for Iraq, couldn't we spend a few dollars for America to be safer? It appears this administration does not believe we should.

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. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. ROCKEFELLER. Mr. President, I am proud to cosponsor and to speak in support of the amendment offered today by my colleague from West Virginia, Senator BYRD. As Members of Congress, our most sacred duty is protecting our fellow Americans. We do this in several ways, of course, by supporting our troops at home and abroad, by our oversight of the intelligence community, and now, with the creation of the Department of Homeland Security, with an annual appropriation to fund the security activities of the various agencies that make up DHS, and to fund grant programs to States, localities, and private industry to make certain that citizens of the United States are protected from terrorist attacks, life-threatening accidents, and acts of God.

In the last 3 years I have sat down with hundreds of first responders around my State of West Virginia, as well as local elected officials and experts from my State's core industries, to discuss what they were doing to protect West Virginians, and to hear from them directly where they needed help from the Federal Government. I am sure that each of my colleagues has had similar meetings. While I would not presume to know specifically what was said at these meetings, I would be willing to wager that no member of Congress heard anything other than "We have huge unmet security needs and we need Federal resources to make our country safer."

When we created the Department of Homeland Security, and when we authorized many billions of dollars in additional funding to protect this Nation, I am sure we convinced some people that we had learned the harsh lessons of September 11. In fact, I think we have done well making increased safety and security priority issues for the Federal Government and for all Americans. Unfortunately, we have fallen short on addressing these needs, and the Byrd amendment is a very good

step in the right direction. This amendment would not do everything that needs to be done for Congress to be able to say we are delivering the goods to our first responders, State and local officials, and to the industries that make up our critical infrastructure, but it would be a much-needed boost for all those trying to make America safer.

I commend Senator BYRD for making his usual strong, principled stand on this matter. Let me be clear, too, that I do not believe the funding levels in the underlying bill reflect any lack of understanding of the scope of the problem on the part of our colleagues on the other side of the aisle. The chairman of the Homeland Security Subcommittee, my friend, Senator COCHRAN, has done very well with the amount he was given to distribute. The problem is, quite simply, that the administration's past policy choices—and the need to adequately support our troops in Iraq and Afghanistan—have left Senator COCHRAN and his fellow appropriators with too little to do this all-important job.

It is not a question, let me reiterate, of our Republican colleagues or the President not wanting to see our Nation adequately protected. I do question, I am sad to say, the idea that it is vitally important to make unaffordable tax cuts permanent, but it is not more immediately important to secure our chemical facilities, our railroads, our electricity grid, or provide training and technical assistance to our firefighters and emergency medical personnel.

I hope that my colleagues will see just how important this is. It would be a tragedy beyond measure if we failed to do the right thing when we had the chance, and only provided funding, for instance, to fix the problem of interoperable radios after another tragedy where first responders were at risk because they could not talk to each other.

Mr. DORGAN. Mr. President, I support the Byrd amendment because I think that it includes important investments in our homeland security. For example, the amendment includes over \$500 million for interoperability for our first responders. It includes \$125 million for port security grants so that we can increase our surveillance of the thousands of containers that enter our country. And it includes \$111 million for border security. Overall, the amendment provides \$2 billion in 11 key areas that desperately need increased funding.

In its current form, this amendment does not include any offsetting reductions to pay for the new investments. If this amendment is adopted today—and I hope that it will be—I intend to work with the conferees to offset these increases by reducing funds that have been earmarked for Iraqi reconstruction. I believe this expenditure should be offset with these other spending cuts.

Iraq is a nation that sits on some of the largest oil reserves in the world.

My view is that Iraq should pay for its own reconstruction.

Last year, this Congress acted in an expedited way to appropriate \$18.4 billion for Iraqi reconstruction. And yet, 10 months later, most of that money is still unspent. Less than \$1 billion has been actually expended and only about \$7 billion has been obligated.

Therefore, I support Senator BYRD's amendment and I will vote for it today. But my intention is to push for the rescission of those unobligated Iraqi reconstruction funds and use them to offset the needed security investments that have been identified by Senator BYRD.

Mr. BURNS. Mr. President, I ask unanimous consent that the vote on the motion to waive with respect to the Byrd amendment occur at 2 p.m. this afternoon; provided further that the amendment be temporarily set aside in order for Senator DODD to offer the next amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, what is contemplated—we think it will work out—is we will have two votes at 2 o'clock. The majority has not had an opportunity to look at the amendment of the Senator from Connecticut and the Senator from Michigan, Mr. DODD and Ms. STABENOW. But as soon as they do, I think we will be able to vote at 2 o'clock. In the meantime, until that happens, we agree to the unanimous consent of the Senator from Montana.

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

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

AMENDMENT NO. 3604

Mr. DODD. 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 Connecticut [Mr. DODD], for himself, Mr. KENNEDY, and Ms. STABENOW, proposes an amendment numbered 3604.

Mr. DODD. 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 increase the amount provided for first responder programs, and to provide offsets)

On page 19, line 17, strike "\$2,845,081,000" and insert "\$11,552,000,000."

On page 21, strike lines 14 through 20 and insert the following:

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by sections 33 and 34 of the Federal

Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a), to remain available until September 30, 2006, \$4,000,000,000, of which \$3,000,000,000 shall be available for necessary expenses for programs authorized by section 33 of such Act and \$1,000,000,000 shall be available for necessary expenses for programs authorized by section 34 of such Act: *Provided*, That not to exceed 5 percent of the amount provided for the programs under each such section shall be available for program administration.

On page 22, line 3, strike "\$180,000,000" and insert "\$660,000,000".

On page 28, line 21, strike "\$181,440,000" and insert "\$690,994,000".

On page 39, between lines 5 and 6, insert the following:

SEC. 515. The total amount appropriated by title III for the Office of the Under Secretary for Emergency Preparedness and Response under the headings "PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY", "ADMINISTRATIVE AND REGIONAL OPERATIONS", and "PUBLIC HEALTH PROGRAMS" is hereby increased by \$2,845,766,000.

SEC. 516. The Secretary of the Treasury shall take such action as is necessary to reduce benefits provided by the Economic Growth and Tax Relief Reconciliation Act of 2001 to individuals with an adjusted gross income of \$1,000,000 or more that will result in an increase in revenue sufficient to offset the increased funding provided for the first responder and other programs by this amendment.

Mr. DODD. Mr. President, on behalf of myself and my good friend from Michigan, Senator STABENOW, we are once again offering an amendment which deals with the underlying issue of this debate, and that is the adequacy of our resources to the homeland security effort.

In recent days we have heard the Vice President of the United States suggesting that we ought not enter the mindset of a pre-9/11. I couldn't agree more. It is a dangerous thing for this country to forget what our Nation went through 3 years ago come Monday. Certainly, what we are suggesting with this amendment we are offering—Senator STABENOW, myself, and Senator KENNEDY—is to put some real resources, a real effort behind the homeland security effort.

We have put this amendment together not based on our conclusions individually of what ought to be a part of the Homeland Security Appropriations Act. Rather, we draw upon the tremendous work done by a former colleague of ours, Senator Warren Rudman, and his report that was produced by experts in conjunction with the Council on Foreign Relations. A significant amount of time was spent to assess the adequacy of our first responders and whether we have in place across this country 3 years after the brutal attacks of 9/11 the resources, the personnel, the equipment, and the training necessary to provide the protections this country needs if, Lord forbid, we are attacked again by terrorists.

That report concludes that we are woefully inadequate to meet those challenges with which we are confronted. It lays out in detail suggestions as to what needs to be done in

order to make us better prepared to respond to those situations. So we are offering this amendment in the same spirit in which our colleague from West Virginia offered his amendment. It is out of a deep concern we are not doing enough to protect our Nation from the risk of a terrorist attack.

Last June, former Senator Warren Rudman, with a very distinguished panel of experts, produced a report sponsored by the Council on Foreign Relations. Their report concluded that we must spend at least \$98 billion over the next 5 years in order to provide a reasonable degree of security here at home.

The Council on Foreign Relations report was not just another study thrown together over a few days; it was authored by a friend and former colleague from New Hampshire, Warren Rudman. He assembled a very distinguished group of Americans to serve on a task force which wrote the July 2003 report. The task force members included Richard Clarke, a former counterterrorism adviser for three Presidents. It also included Admiral William Crowe, former Chairman of the Joint Chiefs of Staff under President Reagan; George Shultz, President Reagan's Secretary of State; Harold Varmus, former Director of the National Institutes of Health under President Clinton; William Webster, who served both as the Director of the CIA and the FBI in the 1980s and 1990s, among many others.

Regrettably, 1 year later, the urgent recommendations of this very distinguished panel—a very comprehensive study—have been almost totally ignored by the leadership of the Congress and the executive branch. According to the Rudman report:

Estimated combined federal, state and local expenditures . . . would need to be as much as tripled over the next five years to address the unmanned need. Covering this funding shortfall using federal funds alone would require a five-fold increase from the current levels.

So, depending upon the level of State and local funding available, the Federal Government should be committing between \$15 and \$25 billion per year according to the Council on Foreign Relations. If \$15 billion to \$25 billion a year is what it takes to get the job done, that is what we ought to be providing. Unfortunately, the bill before the Senate only commits about \$3.4 billion a year, which is a fifth of what is really needed to support our first responders.

The amendment Senator STABENOW and I are offering would commit a full \$20 billion necessary in fiscal year 2005 and would set us on the path toward meeting the Council on Foreign Relations' recommendations for first responder investments over the next 5 years. I realize \$20 billion a year is a lot of money. I would like to put that number into context, if I may.

First, I don't believe that any of my colleagues who served with Warren Rudman or know Warren Rudman

would call him free spending. In fact, when one hears the words "deficit hawk," you often think immediately of Warren Rudman. He led the Concord Coalition in the mid 1990s with another friend and former colleague, the late Paul Tsongas of Massachusetts. He fought tirelessly for deficit reduction and balanced budgets while serving in the Senate. He also lent his name to the landmark 1985 Gramm-Rudman-Hollings Balanced Budget and Emergency Deficit Control Act, of which I was honored to be a cosponsor at the time. So when Warren Rudman says we need to be spending \$20 billion a year for our Nation's first responders, I think we need to take his advice very seriously.

When George Shultz, when Mr. Webster, when Admiral Crowe and others make these recommendations, we are not talking about people who do not know what they are talking about. We are talking about some of the most serious public servants of the last two or three decades, people who have taken a serious look at our needs, a serious look at the threats facing us, in a bipartisan way, and have urged this Congress to do a better job in seeing to it that the American public is protected from the dangers of a terrorist attack by insisting that our first responders receive the necessary tools they ought to have in order to respond.

We should also keep in mind that the current Department of Defense budget is about \$400 billion per year—that is more than a billion a day we are investing on our military security. If we would allocate an additional \$20 billion a year for first responders, as the Rudman report recommends, our amendment would provide only 5 percent of the total defense budget. Isn't 5 percent of that budget worth it in order to provide more protection to the American citizens at home?

By the way, that \$400 million does not necessarily include the money we are spending in Afghanistan and Iraq. Iraq alone is \$200 billion we have already spent in that particular conflict.

We are also spending billions of dollars, as I mentioned, to sustain our efforts in Afghanistan and Iraq. I believe that \$20 billion a year is a good investment to ensure our urgent homeland security needs are going to be met. Again, focusing \$20 billion on domestic security would represent only a fraction of 1 year's military budget. If we committed the entire amount identified in the Warren Rudman report—\$98 billion—it would only be 90 days' worth of military spending in any given year.

If we as a nation can find the resources we need to ensure our military security, and I believe we should, then we must make a similar commitment to find the resources we need to ensure that the domestic defenders of our Nation are also equipped to provide domestic security. We do not send our military personnel into battle without the equipment they need to do their jobs, and we should not send our law

enforcement personnel, our firefighters, our emergency medical technicians, out into a field without equipping them with what they need. We do not send our military into battle without the training to succeed. We should not send our domestic defenders into the field without proper training, either. We do not send our military to battle without sufficient human resources, and we should not send our firefighters into dangerous situations without the backup they need in order to ensure their safety.

In the 3 years since September 11, we have made progress. But we also know categorically that we are not doing enough and we need to do more. If the choice is between tax cuts that we cannot afford and securing the public against the now known threats of terrorism, I believe the choice is simple. We must act responsibly to protect the public we serve. To not do so and then be attacked, then to not look back and wonder why we did not take the necessary steps, would be an indictment against this Congress and the people who are unwilling to step up and provide the resources we need at the local and State level.

September 11 was one of the darkest days in our history. We all know that. We have heard about it. We all feel it very painfully. The simultaneous attacks on the World Trade Center and the Pentagon as well as the battle in the airspace over Pennsylvania was the deadliest foreign attack ever launched against the citizenry of this great country of ours.

September 11 drew our attention to a fact that experts had known for years—namely, that the United States is vulnerable to terrorist attacks. Certainly we had experienced acts of terrorism before. Indeed, the World Trade Center itself had been attacked by terrorists in 1993. We had experienced the horrific attacks in Oklahoma City. We knew terrorism was possible anywhere, even in our schools. But it took the attacks of September 11 to focus our attention on the magnitude of the dangers we face and the people we are up against and what they are willing to do in order to do great damage to our country.

Since September 11, the Federal Government has taken steps to improve our Nation's security. I applaud that. The fact we are even debating the Homeland Security appropriations bill is a reflection of the Federal Government's efforts to meet the challenges posed by the threats of terrorism. Yet there is still more that we must do. We can heed the recommendations of the Rudman report, which tells us we have not done nearly enough to protect the public we serve. That would be a major step in the right direction. It tells us that despite the risks this Nation faces, despite the real and present dangers, even the real likelihood of future terrorist attacks, that we are failing to take the steps necessary to protect the American people.

The Rudman report also tells us that the Federal Government has not made a sufficient commitment to help ensure that our first responders—our firefighters, our police, and our emergency medical personnel—have the training, the equipment, and staffing levels they need to effectively respond to what seemed unthinkable but that we now know can happen anywhere at any time.

After talking to State and local emergency management professionals—fire chiefs, police chiefs, the authors of the Rudman report—I have concluded we need to do much more than we have been doing. Local authorities asking for Federal assistance are told: We are sorry, but this is the best the Federal Government can do right now. Is this really the best we can do? We are sorry, but this is the best the Federal Government can do right now. Is this really the best we can do? I don't think so. I think we can do better.

In addition, Vice President CHENEY has been attacking the Democratic candidate on homeland security and warning about the risks of returning to a pre-September 11 mindset. I am almost quoting him. But who is really in a pre-September 11 mindset? This homeland security has not even begun to reflect the post-September risks that have been clearly, painstakingly detailed by our former colleague, Warren Rudman, and the distinguished panel that compiled this report.

Three years ago, President Bush asked for and Congress agreed to large tax cuts. The rationale at the time was we had a huge surplus and could afford a tax cut. However, this year things have changed and record surpluses have become record deficits, staggering deficits, the largest in our Nation's history on an annual basis, and a national debt that is mounting. By the end of this fiscal year, the total Federal deficit will be nearly \$422 billion. That will be the largest deficit in our Nation's history.

This deficit is being racked up at a time when we have to address clear and immediate threats that are before us. However, instead of marshaling our resources in a comprehensive, responsible way, the administration did something that, in my view, will be recorded in history as irresponsible. It committed even more resources for the purpose of giving more tax benefits to the most affluent of our citizens.

That was the choice they made—a clear choice to give tax benefits to the privileged few rather than taking the steps to make the commitment to protect all of us. Our enormous budget deficit has been coupled with a huge security deficit. There is now an enormous gap between what we are committing to homeland security and what we should be providing to State and local first responders.

We have an opportunity with this amendment to set our priorities straight. We can, and we should, reestablish that the priority of this Nation is to protect all Americans and not to lavish scarce public resources on the privileged few.

The amendment Senator STABENOW and I are offering would adhere to the recommendations of the task force sponsored by the Council on Foreign Relations and establish a more responsible and realistic baseline for supporting our first responders—our firefighters, our police, and our emergency medical personnel.

To those who say we cannot afford to commit the resources to protect our people, I ask: Can we really afford not to do so? It seems to me if we can afford trillions of dollars in tax cuts that benefit the most affluent, then we ought to be able to afford \$20 billion this year, next year, and the 3 years following to ensure, or to do a better job of ensuring, our security.

According to a recent report by the Congressional Budget Office released last month, the tax cuts approved in the last 3 years exacerbate income inequality by boosting the after-tax income of high-income households far more than that of middle- or low-income households. Based on the Congressional Budget Office data, the top 1 percent of households whose annual incomes average \$1.2 million a year will receive an average tax cut of approximately \$40,000 in the year 2004. This tax break is more than 40 times—40 times!—the average tax break for those in the middle fifth of income distribution.

With the amendment we are offering today, millionaires are going to be asked to take a smaller tax cut than they are already receiving under the 2001 and 2003 tax cuts. With our amendment, these individuals would still be able to benefit from significant tax cuts. But by simply reducing the 2003 tax breaks for those earning in excess of \$1 million a year—one-tenth of 1 percent of all taxpayers; which is what our amendment does—we would be able to live up to our commitment, our obligation, to our Nation's first responders and to the people of this country by providing them with the resources to see to it they can respond if, God forbid, we are confronted with another terrorist attack.

So we have an offset. I suspect it will be challenged as a violation of the Budget Act. But here we are paying for an amendment by reducing the tax cut for the most affluent, to see to it that the general public can have the kind of protections they need, in order to see to it that we are protected against terrorist attacks that may come at a future date.

With that, Madam President, I will yield to my colleague from Michigan, who is a cosponsor of this amendment. And she was there the last time we offered this amendment. She is a great advocate of these efforts to improve our homeland security picture. I am honored to join with her in this effort once again this year.

I yield to my colleague from Michigan.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Michigan.

Ms. STABENOW. Madam President, I, first, thank my friend and colleague from Connecticut for his eloquence and leadership on this issue. He proposed this amendment last year, and I was very proud to join him in this effort. If we had done this amendment last year, we would be having a very different discussion, I believe, right now. So I thank the very distinguished Senator from Connecticut for his leadership.

I think it is important we recognize the fact that we have been told by the Department of Homeland Security that this is National Preparedness Month, which has just been announced. We are told there are hundreds of activities planned. The Department is encouraging us to encourage families we represent to be prepared individually.

In the spirit of National Preparedness Month, I think we have a responsibility to do exactly the same. That is why I rise to urge my colleagues to support the Dodd-Stabenow amendment that will provide America's first responders with the equipment and the training they need to protect the people of our country.

As the President often says, we are at war. The threat level has been raised to High or Orange six times since it was created. Americans are repeatedly warned the terrorists will strike again, that we should be vigilant and prepared. The experts and our leaders are certain that we remain under the threat of terrorist attack, and certain that we must be ready to prevent, hopefully, and, if not prevent, be able to respond to an attack.

However, what remains uncertain is our ability to prepare for and defend against potential terrorist threats. That is where our Government up until now has failed. We have the opportunity to correct that on this bill.

The experts I speak of, and Senator DODD spoke of, are a blue-ribbon panel of Nobel laureates, U.S. military leaders, former high-level Government officials, and other senior experts, brought together by the Council on Foreign Relations, led by former Senator Warren B. Rudman, and advised by former White House terrorism and cybersecurity chief, Richard A. Clarke.

During the spring of last year, this Independent Task Force on Emergency Responders conducted meetings across the Nation with first responders and national organizations seeking the answer to one simple question: What do you need to keep us safe? What do you need as first responders to keep us safe? The answer Senator Rudman received was daunting. Unbudgeted needs totaled about \$98.4 billion, and these funds would only establish a minimum effective response, according to the report.

I would like to detail some of the deficiencies in our preparedness that the Rudman report outlined.

On average, our fire departments have only half the number of radios needed on a shift and only enough breathing apparatus for one-third of

their firefighters. Now, imagine that. I know in Michigan people assume firefighters and police officers, emergency responders, have communications equipment, that they can talk to each other. I have met with police departments where they have said they cannot talk to the fire department, and they are in the same town or in the next town. This report said, on average, fire departments have only half the number of radios needed on a shift.

They also found police departments across America do not have the protective gear to respond to weapons of mass destruction attacks. They do not have basic protective gear.

Why have we ignored this panel's recommendations?

When the 9/11 Commission recently offered its recommendations—and I commend them for their thoughtfulness—Senators of both parties immediately took action. In fact, there is now a bipartisan bill that incorporates all 41 of the Commission's recommendations, and the majority leader has pledged to take up this legislation in the next month. I support that. In other words, approximately 2 months after we received the recommendations of the 9/11 Commission we are acting.

Unfortunately, the Rudman report is a year and a half old, and I would argue, even though there have been some changes in funding, we have basically done nothing to fundamentally respond to the seriousness of this report. In fact, what we have seen, in some cases, in order to fund homeland security and first responders, other programs have been cut. The COPS Program or other programs have been cut to move dollars over. And the local police department—it does not matter which pot it comes from—what they are looking at is the bottom line: Can they afford to add another police officer? Can they afford protective equipment? And way too many of the law enforcement leaders in Michigan are saying, no, they cannot.

During a series of 11 meetings I held across Michigan, I met face to face with many people I consider to be experts—first responders, community leaders in Michigan. They have told me in no uncertain terms that they are woefully underfunded and under-equipped. Month after month they continue to remind me of the fact that they still don't have the dollars they need, even though some dollars have trickled down from Washington.

The situation in Michigan is of particular importance to me, of course, but this is not only about Michigan. This is a problem and a challenge for all of us. This is not a partisan issue. This is about how to keep Americans safe all over the country. We have ignored this report for too long.

I thank the Senators from Mississippi and West Virginia, the distinguished members who have worked hard on this bill. I know they find themselves in a difficult position confronting new threats and correcting

countless vulnerabilities that were exposed on September 11. The legislation before us is a step forward. Unfortunately, I believe it is a very small step. We can do better, and we must do better.

The Dodd-Stabenow amendment will provide \$690 million for the Federal Law Enforcement Training Center; \$11.5 billion for the Office of Domestic Preparedness State and Local Programs; \$3 billion for firefighter assistance grants; \$660 million for the emergency management performance grants; \$3.3 billion for the Emergency Preparedness and Response directorate; and \$1 billion for the staffing for adequate firefighter and emergency response grants. In total, the amendment would provide an additional \$15 billion in assistance for our Nation's front-line first responders.

Perhaps we should elevate the capabilities of our first responders above the reconstruction of Iraq. Over the past 2 years, Congress has provided \$24 billion in American dollars for the reconstruction of Iraq. In late June, the Government Accountability Office told us that only \$3 billion had been spent, leaving \$21 billion in a fund for reconstruction, substantially more than what we are talking about here. I assure my colleagues that if we had had these funds and they had been given to our first responders, they would have done more and done more quickly, and that would have provided greater safety and the capability to deal with terrorist attacks. Those dollars would have been used here to keep us safe.

I am not suggesting we don't need to be supportive in Iraq, but this truly is a question of urgency and priorities for the American people. I have supported the request by the Department of Defense in support of our Troops. I cannot imagine why we are not giving that same sense of urgency to the total request to keep us safe here at home.

Again, the legislation we are now considering is a good step, but much more needs to be done. Senator Rudman's efforts have made it clear that the safety of the American people requires we do more. We can't be doing this around the edges. We have to do what is necessary, as we need to do what is necessary for defending ourselves abroad in terms of dollars needed for equipment and troops and so on. The very same thing should apply here. We should do what is necessary to keep us safe, period.

This Saturday is the third anniversary of 9/11. We know thousands of Americans lost their lives on that day. We owe it to their families and to all Americans to do everything in our power to defend our country, our families from another terrorist attack.

The Dodd-Stabenow amendment will begin to provide our police officers, firefighters, and emergency medical workers with the equipment and training they need to do one of the hardest jobs in this country—protect their communities and their citizens' lives.

When it comes to providing funding for our military men and women in Iraq and Afghanistan, we have provided money for what they need. I support that and will continue to. The President has requested numerous supplemental appropriations for Iraq and Afghanistan. We have promptly approved those funds. In most cases, Congress provided money in excess of what was actually needed at the time. Unfortunately, we have not done the same when it comes to homeland security. We would never want our troops to fight without the best guns and tanks, but we are willing to let our police and firefighters use outdated and inferior communications and bomb detection equipment. It makes no sense.

God forbid we have another terrorist attack in our country. Despite numerous Code Orange alerts, we have avoided another tragedy. I commend all of those involved in that effort. However, we do know there are likely terrorists already in this country and many trying to gain entry. We know they want to kill innocent citizens. Therefore, we must strengthen our resolve and do whatever it takes to keep us safe. When it comes to protecting our children, we should not be penny wise and pound foolish.

We have seen the pictures of the recent horrific terrorist attacks in Russia. Our hearts and prayers go out to all who are grieving. Who would have thought terrorists would go to such extremes that they would kill innocent children in a school? It demonstrates we can be attacked anywhere at any time.

Again, God forbid such a tragedy would happen in our own country, but if it did, could we look those grieving parents in the eye and tell them we did everything we could to protect their children? Could we tell them we did everything we could at the border to keep the terrorists out? Could we tell them we had the best bomb detection equipment possible? Could we tell them we had the best trained and equipped first responders who could act quickly and communicate with each other to prevent loss of life?

I remind my colleagues, when people call 9-1-1, they don't get somebody in the Homeland Security Department in Washington, DC. They get their local police or fire department. Local police and firefighters are ready and waiting respond to a terrorist attack and save lives, if it happens.

I honestly believe if we don't pass this amendment, based on this report, we are not doing everything we can do to keep Americans safe. That is, frankly, a risk I am not willing to take.

I urge my colleagues, before they vote on the amendment, to ask themselves: Are we doing enough at home to keep us safe? Are we doing everything we need to do as quickly as we can? Currently the answer is no, with any objective analysis. With the adoption of this amendment, the answer can be yes.

I urge my colleagues to come together with a sense of urgency, as they would if their own families were immediately threatened, because I believe they are.

I urge adoption of the Dodd-Stabenow amendment.

Mr. COCHRAN. Madam President, I appreciate very much the comments being made by the proponents of the amendment. But the fact is, it increases funding in this bill by over \$15 billion, and there is no offset for it.

There is a provision in the amendment suggesting that taxes be increased to pay for the amendment. I don't think it is consistent with the Budget Act in terms of offsetting spending. We are confronted with an allocation of a limited amount of money to appropriate for all of the programs under the jurisdiction of this subcommittee. We are at the level of our allocation. So if we approve an amendment that exceeds that allocation, we have to reduce other accounts in this bill to pay for that amendment.

This amendment is subject to a budget point of order. It is the intention of the manager of the bill to make that point of order and to suggest that the Chair sustain that point of order.

Having said that, let me make a couple of other points about the comments that have been made about the fact that we are not doing enough. That is easy to say. We all know there is a lot to be done. The budget process of the Congress is restricted under its terms because we do have constraints on how much we can spend. If we overdo it, for whatever the reason, and go beyond the limitations we have imposed on ourselves to help ensure guaranteed opportunities for economic growth, expansion of the economy and the private sector, and all of the rest, we are not doing our job with respect to the integrity of the budget process. Any good-sounding program will be met with enthusiastic applause if you say: Let's increase that. It would be good for the country. Well, of course. But we have to have limits. Those limits have been imposed by ourselves, on ourselves, and now some Senators come to the Senate floor and say that is not enough for this program because it is so important.

These are important programs. The firefighter assistant grant program is very important. That is why we put \$700 million in this bill for that program. The domestic preparedness grants program is a very important program. It contributes to making our country safer and more secure. That is why we put \$2.8 billion in this bill for those grants. They will go to State and local governments. State and local governments will decide how they use those funds, consistent with plans that have been developed at the State and local level under the guidelines of the Department of Homeland Security.

Emergency management performance grants are involved here. These are first responders who work as emer-

gency responders for medical care centers, hospitals, and the rest. We have included \$180 million for those grant programs.

This amendment goes beyond some of the grant programs. It even increases funding for the base program of the Federal Law Enforcement Center by \$500 million—just \$500 million more than has already been appropriated for the base program for this center to use.

Well, my point is, because the amendment asks for spending \$15 billion that we don't have in our allocation, we are constrained to make a point of order. I do think we need to recognize that important progress is being made. I know in my State the State government officials and the local mayors, local board of aldermen, the city council persons have done a very important job of identifying their own needs, how they can better improve the facilities, the infrastructure, the training of personnel, equipping of personnel at the local level, and then applying for the grants made available through the new Federal programs for homeland security. We are seeing improvements made. I am very happy we are making progress in that area.

My good friend from Connecticut suggests the Hart-Rudman report of that task force should be considered, and we have considered that. I think one of the first calls I made after I realized I was going to serve as chairman of this Appropriations Committee subcommittee was to Warren Rudman, my friend from New Hampshire, a former colleague whom I respect a great deal. His advice has been very helpful to me.

That Warren Rudman report was written several years ago, as we probably realize. Of course, they wrote a recent paper for the Council on Foreign Relations that got a lot of attention. I read an article that was published in the Council on Foreign Relations magazine as a result of that task force report. That is all helpful to us. We are carefully considering suggestions from people with ideas of how we can more effectively reorganize our agencies and provide funding for different programs that are important, and I think we have made great progress. We are definitely wiser, safer, and more secure as a result of the efforts by this administration, local and State government leaders, with the support of this Congress, in providing generous new appropriations for activities that previously were not funded at the levels they should have been funded in the Federal budget.

We are going to continue to make progress—I am optimistic—with the further support of this Congress and a strong record of accomplishment that will be continued by this administration. We will definitely see the results pay off for safer and more secure American citizens.

Madam President, I am advised that we have the time set for a vote at 2 o'clock for the Byrd amendment, or a motion to waive the Budget Act for the

Byrd amendment. It would be my hope that we could set a time for voting on the Dodd amendment—or if the point of order that I make is sustained after the motion to waive is made—and that we could set that vote to occur after the vote on the Byrd amendment. That would be my intention.

I say that to give all Senators notice of the intention of the manager of the bill to have that vote occur at 2 o'clock. We hope that will be possible.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I say to the chairman, we will be happy to try to work that out. I don't know if other colleagues want to be heard. I will find out. If not, I will certainly not oppose the idea of having a vote. We will make a motion to waive if the point of order is raised. We will work that out.

If I can, let me, first of all, say that the chairman of the subcommittee has been a wonderful friend of mine. I have great respect for him. He has a thankless job, in many ways, in trying to deal with budget constraints. I am not sure that history is going to judge us well if, in fact, we are confronted with one of these dreadful attacks and the argument is we were prohibited because the Budget Act would not allow us to respond. We had an emergency supplemental adopted to deal with the situation in Iraq. Certainly, this Chamber and the other responded to it. The American public responded to it.

Certainly, nothing could be more important. The first and most significant obligation that all of us at a Federal level assume when we take the oath of office is to protect the citizenry of this country. Nothing is more fundamental to our jobs. We all understand that and respect it. This is not a request we are making for some social spending or education or health, and I argue that there is a good case to be made for those. We are talking about fulfilling the most basic obligation we have; that is, to protect and defend the people of this country. We have been given more than adequate warnings of what those who would do us great harm intend to do given the opportunity.

My colleague from Michigan rightfully points out the tragedy that occurred halfway around the globe in Russia only a few days ago. We are dealing with similar people. You need only look at your local newspaper and reports of how hostages—innocents doing humanitarian work in Iraq—are being treated by terrorists who apprehend them and threaten their lives. Let there be no doubt of the intentions of those who would do us great harm.

To argue that because there is restraint in the Budget Act that prohibits us from coming up with an offset—and again, I know it takes a little work to get it done, but I argue strenuously that history will look back and say: Why didn't you provide these resources when we knew we needed them. We are not making this up out of whole

cloth. It is not as if the Senator from Michigan and I sat around and decided what ought to be done. We are relying on a very significant group of people who made some very serious recommendations.

Once again, I share with my colleagues the members of this panel. These are very distinguished people. This report was done a year ago, in July of 2003. It is not ancient history.

I mentioned already, of course, the chairman of this task force, Warren Rudman, our former colleague, the author of the Gramm-Rudman-Hollings deficit reduction package, a fiscal hawk during his tenure in the Senate, certainly not one who is known as a profligate spender.

I already mentioned Admiral Crowe, former Chairman of the Joint Chiefs of Staff, Margaret Hamburg, vice president for Biological Weapons at the Nuclear Threat Initiative. Before coming to NTI, she was Assistant Secretary for Planning and Evaluation at the Department of Health and Human Services.

Joshua Lederberg, a Nobel laureate, and who currently serves as president emeritus and Sackler Foundation Scholar, Rockefeller University.

Donald Marron, chairman of UBS America, as well as Light-Year Capital. Previously, he served as chairman and chief executive officer of Paine Webber. Certainly no wild spender when we start talking about people who looked at these issues.

I believe I mentioned Norm Ornstein, resident scholar at the American Enterprise Institute.

George Shultz, former Secretary of State, Secretary of the Treasury, Secretary of Labor, Director of the Office of Management and Budget, who is certainly not a wild spender, and who sat and unanimously adopted the recommendations my colleague from Michigan and I are suggesting.

Anne-Marie Slaughter, dean of the Woodrow Wilson School of Public and International Affairs at Princeton University. Prior to her appointment at Princeton, she was the J. Sinclair Armstrong Professor of International, Foreign and Comparative Law at Harvard Law School.

Harold Varmus, president and chief executive officer of Memorial Sloan-Kettering Cancer Center. Previously, he served as the Director of the National Institutes of Health.

John Vessey has served as chairman of the Joint Chiefs of Staff as well as Vice Chief of Staff of the U.S. Army.

I mentioned Bill Webster as well. He served as Director of the Central Intelligence Agency, as well as the Director of the FBI.

Steven Weinberg is director of the Theory Group of the University of Texas. He is a Nobel laureate in physics and a recipient of the National Medal of Science.

The list goes on. These are highly competent people who sat down under the leadership of Warren Rudman and

said this is what we think we need to do. The Senator from Michigan and I know it is a lot of money. It is a lot of money—\$20 billion a year over the next 5 years, an additional \$15 billion, included with what is in this budget. But if something happens tomorrow, next week, next month, and we are not prepared to respond to it, people will ask: What did you do? You have been given an opportunity to get ready, to be responsible, to take the necessary steps so we would be prepared to respond. And we were told we could not because of the Budget Act.

Imagine if we offered this amendment without offset. We would be accused of spending money without coming up with resources to offset the obligation. Is it too much to say to one-tenth of 1 percent of our population, not to eliminate your tax cut, but reduce it for 1 year in order to pay for this? That is the choice.

We are all confronted with difficult choices. I do not think this one is terribly difficult, and I suspect if you asked that one-tenth of 1 percent of the most affluent of our citizenry whether they are willing to give up a tax cut for 1 year in order to enhance the homeland security of this Republic, I suspect an overwhelming majority of them would say: Do it; do it.

These are patriots. These are people who understand difficult choices need to be made. We are going to be given the chance in the next few minutes to waive the Budget Act to make it possible for us to come up with the resources to do this. This is the choice with which we are going to be confronted, and I do not think history is going to accept the argument that the Budget Act somehow could not be waived because we could not come up with the resources to do it, because somehow a regulation or some provision of law made it difficult for us to do so.

I think that answer is pathetic. It is inadequate. It is not going to be accepted by history or the American public. Yet that is the choice I think we ought to be making today.

Senator BYRD, our colleague from West Virginia, has offered a modest increase. My colleague from Michigan and I are offering something that is larger. We know that. It may be asking a lot, but I think to do anything less is to place our Nation at risk.

We are once again asking our colleagues to put aside the technical arguments that could be raised and do what is right for our country. Let's waive the Budget Act. There is a resource to offset this cost. We need not add to the deficit of the country to do what needs to be done. The people who made these recommendations are distinguished Americans. They come from all political walks of life, all parties. They are involved in science, national security, and the domestic security of our Republic. They have come to the conclusion that this is what we ought to do. We ought to listen to them, and we

ought to respond to them by adopting this amendment and waiving the point of order when it is made.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I thank the distinguished Senator from Connecticut one more time for his eloquence on this point. I was thinking, as my colleague was speaking in terms of the choices we have to make and whether someone with great means in this country would be willing to defer a small portion of a tax cut in order to keep us safe, that it does not matter how much your income, you are still vulnerable to terrorist attack in this country. And I cannot imagine anybody who would not say: Do what you need to do to keep my family safe. Do what you need to do to keep my children safe on the way to school or at school or after school or at their college or my husband and wife at work or me driving down the street. These are serious choices.

I am constantly amazed at the times we use bureaucracy and budget arguments versus the times we ignore them. I very much understand the constraints of the appropriations process and the difficulty the subcommittee chairman has in operating within the amounts that have been allocated. I understand that and appreciate the hard work that takes. But I remember also, as a member of the Budget Committee, raising questions about why we could be appropriating \$87 billion and before that \$150 billion—over \$200 billion—to Iraq that has never been in the budget at all, has never been anywhere in the budget. Instead of offsetting that in some way, we added it to the deficit, the largest deficit in the history of the country.

We could eliminate everything except the Department of Defense in terms of annual spending and equal what this debt is this year. It is huge. But when we were focused on Iraq, somehow it was "whatever it takes," not only for the troops but in addition to whatever folks felt was necessary to rebuild Iraq—to rebuild their roads, their schools, and give them a health care system, and all these other items. It did not matter whether there was any money appropriated or if there was any way to pay for it.

Monday night, we responded quickly—and I supported so responding—to Florida with \$2 billion. That was not in the budget. We responded because of an emergency.

We are talking about, in relative terms to the huge allocation in defense and the hundreds of billions of dollars now in Iraq, a relatively small amount. It is less than 3 months' spending in Iraq to keep us safe at home.

I cannot imagine anybody from any part of this country, any political persuasion would not look at this and say: This should pass overwhelmingly with a voice vote. Why are we struggling with the question of doing everything possible as quickly as possible?

I know there have been improvements made, but we are not doing everything that needs to be done as quickly as possible.

I also know that when I talk at home to folks who are on the front lines and they tell me, You are taking money out of this pocket and putting it in this one, it is not new money. Or that they received small amounts, but they are not large increases that have been coming to local communities. When we take an officer whose salary is paid by the COPS Program and we cut it and then we restore the funding through homeland security, it is still only one officer. That is what is happening in too many places.

Again, I agree with my friend from Connecticut that there needs to be a sense of urgency about this matter. I understand budget constraints, and I understand the limits that have been placed on this particular budget. But I suggest it is our responsibility to challenge that and together stand up and say the rules do not fit for this situation. That is what we are expected to do. We make the rules.

It is pretty hard for us to say we cannot change them when they do not make sense, and particularly when we change them all the time. We change them. Depending on whatever the majority folks want to do, we change them. Why in the world would we not want to make sure we are doing everything possible?

I remember a week before we left for the August recess and we were sitting in 407, all of us together hearing about the new sense of urgency and the very specific threats that were present. We watched at both conventions the armed fortresses around not only the conventions but our hotel. It was amazing. Certainly there were resources those communities needed to have to deal with that, but we were told in no uncertain terms that it is very likely something could happen between now and November 2.

Then I go home and speak with the sheriffs, the police chiefs, the firefighters, the emergency preparedness folks, the folks at the emergency rooms at the hospital, and they look at me and say, what are you doing? We do not have the resources to do this ourselves.

I know there are those who believe local communities should bear the brunt of this funding. I would argue that when New York and Washington, DC, were attacked, they were attacking the country. Regardless of where we are attacked in the country, it is our responsibility, the Federal Government, to be a serious partner with local communities to make sure the resources are there.

Again, if we are saying we are conducting military actions abroad because of the threat and we are being told that there are the threats here and they are real, why would we not provide the same approach in saying we will do whatever is necessary? That

does not mean indiscriminately throwing dollars at a situation. It means in a thoughtful way using the complete report the Senator from Connecticut has spelled out as a basis for why would we not respond. That is all this amendment does. It allows us to respond to a thoughtful report, just as we are responding to the 9/11 report. I argue very strongly we should think long and hard, while this budget is in front of us, about whether we can honestly say to the people we represent, as well as our own families, that we are doing everything possible, as quickly as possible, to keep us safe.

Mr. DODD. I ask unanimous consent that the Senator from Michigan, Mr. LEVIN, be also added as a cosponsor to this amendment.

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

Mr. DODD. Madam President, I am prepared to go into a quorum call at this point to chat with our friend from Mississippi as to how he wants to proceed on points of order and waivers. I would also like to at least give the respective leaders an opportunity to inquire as to whether any Members would like to be heard on the amendment before we end the time. I assume it will not be much and I would be happy to agree on a time certain. I would be happy to make it around the time for the vote on the Byrd amendment to accommodate Members' interests.

I suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Madam President, I make a point of order against the Dodd amendment on the grounds that it violates the Budget Act, section 302(b) of the Budget Act.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask that the relevant points of the Budget Act be waived and ask for the yeas and nays on that. Also, Madam President, I ask that the vote on this follow the completion of the vote on the Byrd amendment.

The PRESIDING OFFICER. First, is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.
The PRESIDING OFFICER. Is there an objection to the request of the Senator?

Without objection, it is so ordered.
Mr. REID. Through the Chair to the distinguished manager of the bill, would the manager of the bill object to 2 minutes, evenly divided, prior to the vote on the Dodd amendment?

Mr. COCHRAN. Yes, I would. We have thoroughly debated that.

Mr. REID. It doesn't hurt to ask.

Madam President, we have 1 minute to go. I ask consent that the vote start now rather than at 2 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER (Mr. AL-EXANDER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. COCHRAN. Mr. President, Senator DOLE has asked me to advise that she is absent from this afternoon's votes due to an emergency visit to her home State of North Carolina. As you know, the remnants of Hurricane Frances devastated a large portion of western North Carolina this week, and Senator DOLE felt it was imperative that she make an immediate trip to the State to assess the damages and offer assistance in whatever manner possible.

I ask unanimous consent that the RECORD show that had she been present, Senator DOLE would have voted against the Byrd amendment.

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

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from North Carolina (Mrs. DOLE) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mrs. DOLE) would vote "no".

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The yeas and nays resulted—yeas 43, nays 51, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—43

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

NAYS—51

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

NOT VOTING—6

| | | |
|---------|---------|---------|
| Akaka | Dole | Kerry |
| Clinton | Edwards | Specter |

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 51. 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.

Mr. COCHRAN. 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 Connecticut.

AMENDMENT NO. 3604

Mr. DODD. Mr. President, I ask unanimous consent there be 2 minutes equally divided to speak on the amendment.

Mr. COCHRAN. How about 30 seconds each?

Mr. DODD. How about a minute each?

Mr. COCHRAN. A minute, and I will not use my time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Mississippi.

Very briefly, I know Members were at the various luncheons during the debate on the amendment we are about to vote on. This is the Warren Rudman report prepared in July of 2003. It laid out in a very detailed way what needs to be done in order to provide the necessary resources for first responders. This was a task force that included Admiral Crowe and George Shultz, William Webster, who served as Director of both the FBI and CIA, and many others, who said we need to be doing a lot more to see to it that our first responders have the necessary resources to do the job, Lord forbid we are attacked by terrorists again.

Now we have included an offset that makes this subject to a point of order. But I believe we have to come up with some choices. One choice is whether one-tenth of 1 percent of the American taxpayers for 1 year could do without a tax cut to pay for the \$15 billion to make our country more secure. That is what this amendment does.

I urge my colleagues to waive the point of order.

Mr. COCHRAN. Mr. President, regular order.

The PRESIDING OFFICER. The Senator has used 1 minute.

Time is yielded back.

The question is on agreeing to the motion. 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 North Carolina (Mrs. DOLE) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The yeas and nays resulted—yeas 41, nays 53, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—41

| | | |
|----------|-------------|-------------|
| Biden | Feinstein | Lincoln |
| Bingaman | Graham (FL) | Mikulski |
| Boxer | Harkin | Murkowski |
| Breaux | Hollings | Murray |
| Byrd | Inouye | Nelson (FL) |
| Cantwell | Jeffords | Pryor |
| Carper | Johnson | Reed |
| Corzine | Kennedy | Reid |
| Daschle | Kohl | Rockefeller |
| Dayton | Landrieu | Sarbanes |
| Dodd | Lautenberg | Schumer |
| Dorgan | Leahy | Stabenow |
| Durbin | Levin | Wyden |
| Feingold | Lieberman | |

NAYS—53

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

NOT VOTING—6

| | | |
|---------|---------|---------|
| Akaka | Dole | Kerry |
| Clinton | Edwards | Specter |

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 53. 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.

Mr. COCHRAN. 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 assistant Democratic leader.

Mr. REID. Mr. President, if I could involve my friend in a brief dialog, I have come to the floor on many occasions

and talked about the need for our leadership to cut off these votes. If we are going to finish this bill by next Tuesday, we cannot spend an hour on two votes. We cannot get the bill done.

I hope there will be some degree of understanding that this is unfair. Republicans do it and Democrats do it. I am not picking on one side. We should not have to wait on votes. People have the idea that when a vote is called, they will come when they get around to it and that we will hold the vote for them, and we do, which is wrong. That is my personal opinion.

If we are going to try to finish this bill by next Tuesday night as the leaders want, we are going to have to start cutting off these votes at a reasonable time; otherwise, there is no possibility while we are standing around here looking at each other while other people are in their offices completing phone calls or whatever else they do. It is unfair to the Senate, and I think it is unfair to the country.

Mr. COCHRAN. Mr. President, the point of the Senator is well taken. I hope the Senate will consider his remarks very carefully. We need to move ahead with dispatch. There is no reason why we should consider delaying the consideration of this bill even further.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 3596

Mrs. MURRAY. Mr. President, I call up amendment No. 3596 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 3596.

Mrs. MURRAY. 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 increase the amount available for port security grants by \$300,000,000)

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. The total amount appropriated by title III for the Office of State and Local Government Coordination and Preparedness under the heading "STATE AND LOCAL PROGRAMS" is hereby increased by \$300,000,000. Of such total amount, as so increased, \$1,500,000,000 shall be available for discretionary grants for use in high-threat, high-density urban areas, as determined by the Secretary of Homeland Security, of which \$450,000,000 shall be available for port security grants.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise this afternoon to offer an amendment that would help make our communities and our Nation's ports safer and more secure.

I ask unanimous consent to add the following Senators as cosponsors to my amendment: Senators BILL NELSON, CLINTON, SCHUMER, MIKULSKI, KENNEDY, BOXER, CANTWELL, GRAHAM, and LANDRIEU.

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

Mrs. MURRAY. Mr. President, I appreciate that funding for homeland security is significantly higher in this bill than in the President's budget request. It should be noted that under the leadership of Chairman COCHRAN and Senator BYRD, we have made progress since the Rudman report suggested that we are "dangerously unprepared and underfunded for a catastrophic terrorist attack."

However, I am still very concerned that the priorities established in this bill are not sufficient to meet the challenges we face in confronting the terrorists who want to do us harm or the homeland security needs throughout the country. It is our duty to protect our Nation, and in order to do that we need to make the right investments.

These decisions are critical to ensuring that the American people, the communities they live in, our economy, and our country are safe and secure.

The debate we are having could not be more critical to the defense of our country. The bottom line, though, is we have to do more to confront terrorists abroad and defend ourselves at home. Nowhere is this more true than in the areas of port security and securing our trade lanes. This is not only one Senator's opinion; it is the opinion of experts in the field and those brave men and women who defend our Nation.

In a recent interview, the commander of NorthCom said:

It's just a matter of time before terrorists would attempt a sea-borne . . . a maritime attack on the U.S.

The 9/11 Commission report stated:

While commercial aviation remains a possible target, terrorists may turn their attention to other modes. Opportunities to do harm are as great, or greater, in maritime or surface transportation.

Steven Flynn, perhaps the most preeminent expert in the field, says this about our Nation's efforts to better secure our ports: "This is an extremely soft target for America's enemies to exploit" and that a "two-week shutdown of U.S. ports would collapse the global trade system. That's what we're talking about."

Despite this clear evidence, time after time the White House and the rest of the administration have taken the position of limiting investments in many of the policies and security initiatives that would make our Nation safer.

I do not say this to criticize Chairman COCHRAN or his staff, and Senator BYRD has been a true champion every single step of the way in fighting to improve the security of our Nation. Without their efforts, we would be even worse off. But I raise this issue this afternoon to reiterate my strong belief that we have a great responsibility to better secure our country, and it is my own belief we are not doing enough to protect the communities we have been sent here to represent.

Specifically, we need to do more to identify and address the threats to our country before they leave foreign shores. That means better intelligence and more personnel dedicated to finding and stopping terrorists. And those are the issues this Senate is currently debating. But we also need to give the people engaged in antiterrorist activities the tools they need to succeed.

We also need to harden our port facilities, support the Coast Guard in fulfilling the missions they have been tasked to perform, and facilitate better coordination among Federal agencies, States, and local first responders.

In the last several years, we have made steady but slow progress in better securing our port facilities and our trade lanes, and we have learned some important lessons through innovative programs such as Operation Safe Commerce, the Container Security Initiative, and the Customs-Trade Partnership Against Terrorism.

Soon the lessons we have learned should be applied in a way to better protect our Nation, and with the support of Chairman COCHRAN and Senator BYRD, the report accompanying this bill directs the administration to create a national standard for cargo security.

By February, the Department of Homeland Security is directed to take the data, analysis, and lessons learned from these cargo security programs and create a plan that will ensure that the cargo headed for our shores is safe to bring into our ports.

As the author of Operation Safe Commerce, I am particularly proud to report that despite early reluctance by the administration, we are seeing real results through the implementation of this security program.

After more than a year of preparation, we launched Operation Safe Commerce. It is a new era of port and cargo security that uses smart technology and the best supply chain systems to protect our ports from those who would do us harm.

Only last week, I had the opportunity to visit the port of Tacoma to see how Operation Safe Commerce, our three largest container load centers, and the private sector partners had answered our call.

Over the past 5 months, shipments have been tracked from their origination point, whether that was in an overseas factory floor or an agricultural field, to their final destination. The cargo traveled by truck, train, and ship along its journey, and we watched it every step of the way. The security was monitored and analyzed at the origination point, every subsequent transfer point, and on each mode of transportation until it reached the customer.

When vulnerabilities were found in the supply chain, solutions were developed to ensure the integrity of the shipments. In many cases, it was discovered that the origination point lacked access, control, and general security.

So now we know that cameras, biometric identification technology, and third party inspection are necessary to ensure the product's integrity before it is loaded into a container.

In other cases we found that the integrity of container seals was not verified at each point in the supply chain. If the seal had been compromised when it arrived here, it is too late. So several technologies were recommended to ensure that we know if a seal has been broken or a container has been opened.

It was learned that the identity used by drivers to transfer the containers between supply chain points was not always easily verified. So the final Operation Safe Commerce report will make recommendations to address that as well.

When the 9/11 Commission published its report, it noted that initiatives such as Operation Safe Commerce had just begun to secure shipping containers but that an integrated strategic plan had not been developed. These early findings prove that Operation Safe Commerce is a model for how our Nation can improve port security by identifying dangers before they leave foreign shores and helping to ensure that cargo is safe when it arrives in the United States.

This innovative program is an excellent example of industry coming together to share experiences and best practices, and I could not be more proud that my home ports of Seattle and Tacoma, along with Los Angeles, Long Beach, New York, and New Jersey are leading the way to a new standard to secure cargo bound for U.S. ports.

While the hard work of these partners has begun to answer the call in defending our Nation and responding to the 9/11 Commission, there is still much more that we need to do. As a few of us in Congress, the 9/11 Commission and experts in the field have called for, we must continue working together to develop a cargo security system as a national and ultimately international standard. We must provide the funding necessary to harden and protect our port facilities and the people who live and work near them.

I am reminded of the challenge we face to secure these critical assets every time I come home to Washington State. My office in Seattle is located in the Jackson Federal Building. From my office window, I can see the third largest container load center in the country, the largest passenger ferry system in the continental United States, carrying 26 million passengers annually. I can see an ever-increasing number of cruise ships that call on Seattle. I can see active commerce and thousands of people engaged in trade on a daily basis. I can see two professional sports stadiums that hold tens of thousands of people and literally thousands of residences and homes of people who live near our port facilities.

Again, this is all in close proximity to the port of Seattle. This view is not

much different than the view of other ports in my State and, frankly, all around the country, and that is why I want to make sure all of America's ports are safe.

I know every Senator agrees there is nothing more important than protecting our country, and over the next few days I hope we can all work together to do a better job for our Nation, for our States, and the individual communities we all represent. I know unless we make the right decisions in Washington, DC, our security, our economy, and our communities will be threatened. That is why today I am offering the Murray amendment to triple the level of port security grant funding in the underlying bill.

While the amount contained in the bill for port security grants is greater than that included in the House bill, I remain concerned that the amount is simply not enough to help our ports with their security needs. The Commandant of the Coast Guard has testified that it will take more than \$7 billion, including \$1.5 billion this year, to implement the port security plans which were mandated by the Maritime Transportation Security Act.

In the last fiscal year, the Department of Homeland Security received nearly \$1 billion in requests for port security grants. Since that time, Congress has only provided \$275 million in port security grants, \$150 million last year and \$125 million this year.

According to the Coast Guard, that leaves us over \$1 billion short of our commitment to these vulnerable assets, and according to the American Association of Ports Authorities, a minimum of \$400 million is necessary to safeguard the most critical ports in the country.

While I have always known the need for extra port security funding, the urgency was recently highlighted for me at home in Washington State. We have had the terror level raised to Orange six times in the past 3 years, and soon ferry systems across the country will be required to increase their threat posture due to suspicious activity on ferries and at terminals nationwide. While this suspicious activity is not necessarily attributable to the action of potential terrorists, the steps we are taking are a necessary precaution.

Protecting our country comes with a price. This means increased vehicle inspections, and for the Washington State ferry system that means each month an estimated 21,000 additional vehicles will need to be inspected before they board our ferries. The ferry system, State patrol, and Coast Guard will incur tremendous additional costs to secure what is essentially an extension of our highway system that are not budgeted for and costs that, frankly, could have been avoided.

We could have avoided these extra costs with enough funding to secure those terminals. It seems penny-wise and pound-foolish to scrimp on the port and terminal security so many experts

have called for. The Murray amendment would provide a \$300 million increase in port security funding for a total of \$450 million in fiscal year 2005. This amendment would help put the safeguards in place to ensure that local communities are not forced to pick up the tab for a federally mandated security measure. This increase is necessary to make an honest attempt to cover the Federal share of securing some of the greatest economic engines of our economy and the communities that surround them.

I urge my colleagues to support this amendment and ask for its consideration.

Mr. GRAHAM of Florida. Mr. President, I rise today to voice my support for Senator MURRAY's amendment to the Homeland Security appropriations bill.

Our Nation's seaports are now the gateway for 95 percent of our international trade, and as such they play a vital role in our national economy. The volume of domestic and international trade is expected to double over the next two decades, as globalization continues to increase linkages between the people of different countries.

Seaports' essential role in our economy makes them a natural target for terrorist groups or other entities seeking to inflict harm on the United States of America. We know that al-Qaida and other international terrorist groups have shown a preference for targets of economic importance, and we have seen the economic impact of port closures caused by strikes or weather emergencies. We can conclude from this that terrorist groups could consider American ports to be viable targets, and there are a variety of ways that terrorists could attack a port to disrupt activity, cause damage, and kill American citizens.

It is therefore vital that we take adequate steps to ensure that our Nation's ports are appropriately defended. Congress has addressed seaport security concerns over the last several years, and we have passed several bills that have sought to modify and improve the security of American seaports.

In 1997, I had the opportunity to spend a day working as a customs inspector at Port Manatee, FL, where I was able to learn about these security challenges firsthand. Several of my Senate colleagues and I convinced President Clinton to appoint an interagency commission addressing seaport security. This commission's recommendation were taken seriously by members of Congress, and we began working on legislation.

In the fall of 2002, we passed the Maritime Transportation Safety Act, which raised security standards at American ports. This legislation authorized the appropriation of whatever funds were necessary to meet the new security requirements. The Coast Guard has estimated that meeting these new requirements will cost approximately \$7.2 billion over the next

decade, and that first-year start up costs will total roughly \$1.4 billion.

America's port authorities seem to agree with the Coast Guard's assessment, since they have requested nearly one billion dollars in port security grants. So far only a fraction of this need has been met by federal funding. This means that we have essentially handed our local port authorities a very large unfunded mandate. If we are going to follow through on our commitment to protect our Nation's seaports, we must ensure that port authorities have the resources they need to meet the security requirements we have established.

Increasing funding for port security grants will help ensure that our seaports are able to prepare for a possible terrorist attack. While this amendment does not provide port authorities with the nearly \$1 billion they need, it certainly brings us much closer to that goal.

Mr. DORGAN. Mr. President, I support the Murray amendment because I think that it includes important investments in port security. The amendment includes \$300 million for port security grants so that we can increase our surveillance of the thousands of containers that enter our country.

In its current form, this amendment does not include any offsetting reductions to pay for the new investments. If this amendment is adopted today, and I hope that it will be, I intend to work with the conferees to offset these increases by reducing funding that have been earmarked for Iraqi reconstruction. I believe these expenditures should be offset with these other spending cuts.

Iraq is a nation that sits on some of the largest oil reserves in the world. My view is that Iraq should pay for its own reconstruction.

Last year, this Congress acted in an expedited way to appropriate \$18.4 billion for Iraqi reconstruction. And yet, 10 months later, most of that money is still unspent. Less than \$1 billion has been actually expended and only about \$7 billion has been obligated.

Therefore, I support Senator MURRAY's amendment and I will vote for it today. But my intention is to push for the rescission of those unobligated Iraqi reconstruction funds and use them to offset these needed security investments.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment is offered to increase funding for port security grants. Specifically, it would increase the authority for spending in the bill by \$300 million. Senators should know the bill already contains funding for port security grants in the amount of \$150 million, and since fiscal year 2002 we have provided funding for this program of almost \$500 million, specifically for port security grants.

A lot of progress has been made to upgrade the quality of our detection

processes. We have seen money going for training and equipping of port security officials. We are making important and constructive changes in procedures to help ensure that we can identify suspicious activity around the ports of the country. The Coast Guard is involved, of course. As we have talked about earlier today, we are providing for modernizing the fleet of the Coast Guard and doing other things that help assure that across our country we are going to be able to enjoy a safer and more secure environment.

On Friday, September 10, all of the funds that were appropriated for 2004, the current fiscal year, \$50 million in grants, were awarded. So the administration is working expeditiously to carry out the directives of the Congress in awarding these funds.

I may point out that the President's request for this particular grant program for this next fiscal year was only \$46 million.

So we have already tripled the amount of money that will be going out to State and local officials, security officials, for this program.

We have one other problem with the amendment as well and that is that there is no offset provided as required by the Budget Act. To simply add money for a program is not going to be permitted unless an offset is provided. So under section 302(f) of the Congressional Budget Act, a point of order would lie against the amendment.

Mr. President, at this time 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 Senator from Washington.

Mrs. MURRAY. 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.

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.

Mrs. MURRAY. I ask unanimous consent that Senator DODD be added as a cosponsor.

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

Is there further debate? If there is no further debate, the question is on agreeing to the motion. 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 North Carolina (Ms. DOLE) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Mas-

sachusetts (Mr. KERRY) are necessarily absent.

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

The yeas and nays resulted—yeas 45, nays 49, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—45

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

NAYS—49

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

NOT VOTING—6

| | | |
|---------|---------|---------|
| Akaka | Dole | Kerry |
| Clinton | Edwards | Specter |

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 49. 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.

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

Mrs. MURRAY. 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 Florida.

AMENDMENT NO. 3607

Mr. NELSON of Florida. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows: The Senator from Florida [Mr. NELSON] proposes an amendment numbered 3607.

Mr. NELSON of Florida. 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 funds for the American Red Cross)

On page 25, lines 6 and 7, strike "\$2,151,000,000, to remain available until expended" and insert "\$2,221,000,000 to remain available until expended, of which \$70,000,000 is designated by Congress as an emergency

requirement under section 502(c) of H. Con. Res. 95 (108th Cong.) and shall be made available for a grant to the American Red Cross for disaster relief, recovery expenditures, and emergency services in response to Tropical Storm Bonnie, Hurricane Charley, and Hurricane Frances".

Mr. NELSON of Florida. Mr. President, this is an amendment to the Homeland Security bill to provide \$70 million to the American Red Cross for the purposes of their relief efforts as a result of Tropical Storm Bonnie and Hurricane Charley, which hit us 4 weeks ago, and Hurricane Frances, which hit us this past week.

The American Red Cross is out of money. Their coffers have run dry. They have people all over Florida right now. In order to pay expenses, in doing what the American Red Cross does so well, they have had to go out and borrow \$10 million.

I just got off of the phone with the national president of the American Red Cross.

I want to show you what else is lurking out there. I did not have time to blow this illustration up for everybody, but this is the third hurricane, in the last 5 weeks, that is headed to Florida. This hurricane, at 11 o'clock this morning, was down here in relation to the southeast of Jamaica. Its track will take it right over Jamaica and across western Cuba, on a track that is eerily reminiscent of Hurricane Charley which hit us 4 weeks ago, and going right out into the warm waters of the Straits of Florida, across the Keys. On the track that is showing the center line, it would take it right to the southwest coast of Florida.

Now, you can imagine a hurricane of this magnitude. It has 160-mile-per-hour sustained winds, with gusts to 190 miles per hour. It came across Grenada, and 90 percent of all the homes in Grenada are destroyed. Let's hope the Good Lord will spare us in our State from having a third hurricane hit in a row, as two have already hit, the last one of which was so massive that it covered up the entire State of Florida with severe winds and just a deluge of rain.

This amendment is offered, albeit the majority leader, now talking to the assistant minority leader, has assured me next week we are going to have another emergency supplemental that will take care of FEMA expenses and the Department of Agriculture, the Department of Transportation, the Army Corps of Engineers—all of those. We are going to be looking at a minimum of an additional \$2.5 billion—minimum—because the \$2 billion we just passed the night before last is not even going to cover the first hurricane.

So instead of taking the chance that next week's emergency supplemental, which will originate in the House, will come to us at the last minute in a take-it-or-leave-it situation—I do not want to take that chance because of all of those Red Cross volunteers who are down there who are so essential to our recovery efforts right now, trying to

recover from a second hurricane, and not the least of which we will need them desperately if we get hit with Hurricane Ivan, now scheduled to be in the Florida Keys Monday morning at 8 o'clock.

Mr. President, I have stated my case. I yield the floor.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. COCHRAN. Mr. President, has an amendment been reported?

The PRESIDING OFFICER. An amendment has been.

At the moment there does not appear to be a sufficient second.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we have not had an opportunity to check on the legal authority for appropriations being made directly to the American Red Cross, but I have asked my staff to check to see under what authority the Senate would be authorized to appropriate funds for a private or a charitable organization.

The American Red Cross, I do not think, is an agency of the Federal Government. There has been no request submitted to the Congress from the administration to fund volunteer charitable organizations under this bill or under any other bill, as far as I know. They, of course, render very valuable and very important services not only here but around the world. We are all familiar with the good work they do.

So I am hopeful we can check to see what the authorities are and can provide the Senate information on which to base a judgment as to what we should do with respect to this amendment.

It requests, as I understand it—I do not have a copy of the amendment. That is why I asked if it had been sent to the desk.

Mr. NELSON of Florida. Will the Senator yield?

Mr. COCHRAN. I am happy to yield to my friend from Florida.

Mr. NELSON of Florida. Mr. President, if I might answer some of those questions.

This Senator personally gave the chairman of the committee a copy of the amendment about 45 minutes ago. It is my understanding there are provisions in this Department of Homeland Security bill for appropriations for private entities such as the American Red Cross. That is the part of the bill we are amending, to provide \$70 million of relief money, specifically for disaster relief, recovery expenditures, and emergency services in response to Tropical Storm Bonnie, Hurricane Charley, and Hurricane Frances.

Mr. COCHRAN. I would be glad to consider the amendment and review it carefully. I wonder if there is an offset in the amendment that would provide some source for making up the funds. We are limited in our allocation of

funding under the Budget Act, and we are at the limit. Any amendment that adds spending to the bill without offsetting it against some other account is subject to a point of order under the Budget Act. That was the next part of the process of analyzing this amendment. I hadn't gotten any satisfaction on the answer to that question. Maybe the Senator knows the answer.

Mr. NELSON of Florida. If the Senator will work with me, I will find an offset. If this is the chairman's pleasure, if we can hold this in abeyance, we will come back to him with an offset.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the American Red Cross dated September 9, 2004.

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

AMERICAN RED CROSS,

Washington, DC, September 9, 2004.

Hon. BILL NELSON,

U.S. Senate, 716 Hart Senate Office Building,
Washington, DC.

DEAR SENATOR NELSON: It is very likely that the response by the American Red Cross to back-to-back hurricanes Charley and Frances will be the largest and costliest natural disaster humanitarian effort in the 123-year history of the American Red Cross. In order for the American Red Cross to carry out the duties delegated to it by the federal government under its Congressional Charter, I am respectfully requesting your help in securing \$70 million for the American Red Cross Disaster Relief Fund within the Fiscal Year 2005 Department of Homeland Security Appropriations Bill (S. 2537).

Because the needs of Florida residents who have suffered as a result of the two hurricanes is so immediate, Congress quickly provided FEMA with an additional \$2 billion. It is critical that further assistance also be provided expeditiously. Because the Homeland Security appropriations bill is expected to reach the President's desk prior to the second emergency supplemental bill, we are asking that funding for the American Red Cross Disaster Relief Fund be included in it. However, if the second supplemental bill appears to be moving first, then we would ask that all disaster relief funds be stripped from the Homeland Security bill and added to the supplemental bill. The bottom line is that we get the money to the victims and those helping them as quickly as possible—whatever the vehicle. In times of extraordinary need, such as that in Florida today, the Red Cross Disaster Relief Fund requires federal assistance in addition to charitable donations to meet the responsibilities delegated to it by the federal government.

The response by the American Red Cross to Hurricanes Charley and Frances marks the largest mobilization of Red Cross resources since Hurricane Andrew. It encompasses a geographic area that exceeds all other past disasters, including the 1993 Midwest floods. To date, we have served over four million meals and sheltered close to 300,000 people in response to these back-to-back disasters. We are continuing our expanded efforts to raise money from the American public, who are always willing to aid their neighbors at times like these, but the unprecedented need in Florida clearly requires additional and immediate assistance from the federal government.

I thank you for your consideration of this request, and the volunteers of the American Red Cross and I look forward to continuing to work with you and your colleagues to en-

sure that we meet the needs of every disaster victim.

Sincerely,
Rear Adm. MARSHA J. EVANS, USN
(Ret.),

President and Chief Executive Officer.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, we have a lot of Senators who have indicated they want to offer an amendment. We have worked through the list, and we have a number of people who are going to offer amendments. Senator HARKIN is going to come over at 5 o'clock or thereabouts. We are running into the thing we run into a lot around here. People say: We have amendments, but we are not ready yet.

The two leaders have said they are going to end this bill Tuesday night. There are different ways of fulfilling the wishes of the two leaders. One way would be to work hard and try to work our way through the amendments. It is my understanding, speaking to the two leaders, that we are going to be here tomorrow morning and have a couple votes. I guess what I am saying is: Staff of the Senators, if they would also listen, if there are not going to be amendments offered, let us know.

It would be in everybody's interest to come over and start offering these amendments. I am sorry we don't have it set up so people can come over immediately and not have to wait 2 or 3 minutes or even 20 minutes, but sometimes it works that way. I hope those within the sound of my voice will do whatever they can to come and offer their amendments. It is 4 o'clock. We don't have anybody here to offer amendments.

Monday is going to be a short day, as it always is, and Tuesday is going to be a long day. I believe there is a pretty good sense from the two leaders that they are going to do everything they can to finish Tuesday night because the Jewish holiday starts on Wednesday. If we go even until noon on Wednesday, that means people who have to travel to the west coast for religious observance on Wednesday cannot get there unless they leave earlier than that. You cannot automatically go to the airport and hope a plane is there. The latest plane going to California, for people who have to leave this body, is about 10:30 in the morning.

I hope that Senators will come over and we can have two or three in line here. Senator COCHRAN has the theory—and I am confident that he is probably right—that as soon as somebody offers the amendment and it is debated, we can vote on it. So I hope we have some people show up.

Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Mr. President, I had an opportunity to review the amendment offered by the distinguished Senator from Florida and to consult with representatives of the administration and my staff who have helped me analyze this. This amendment, as proposed, would provide \$70 million to the Red Cross to reimburse them for expenses and enable them to provide disaster assistance to hurricane victims and for other purposes under their authorization, under their jurisdiction.

We passed yesterday a \$2 billion appropriation supplemental for the Federal Emergency Management Agency General Disaster Relief Fund. These funds are to be used for the emergencies that exist in the State of Florida and elsewhere, where the funds in this account had been depleted.

We are told by administration officials, in consultation now, that they are considering whether an additional amount may be needed in a supplemental that could be submitted to Congress as early as Monday.

Officials are discussing this with the Red Cross. They are discussing this with the Office of Management and Budget, the Federal Emergency Management Agency. So we do not know right now exactly how much the Red Cross is going to need and whether additional funds need to be added to that \$2 billion account we have already approved and, if so, how much.

What I am hoping is we can withhold action on the Senator's amendment tonight and continue to stay in touch with officials in the administration and with the Senator from Florida and others who are interested in this and make sure the funds that are needed, that the Red Cross is entitled to, are in some bill. It may be the next supplemental is the appropriate bill rather than this annual appropriations bill we are considering now.

I want to cooperate with the Senator and help make sure the disaster victims get the help they need and that the State of Florida gets the help it needs to recover from this very serious situation.

Those are my findings and those are my assurances. I hope the Senator will understand and not urge we take action on his amendment tonight.

Mr. NELSON of Florida. Mr. President, will the Senator yield?

Mr. COCHRAN. I am happy to yield to the Senator.

Mr. NELSON of Florida. Mr. President, I thank the Senator for yielding. With the assurances of the chairman and the committee that the supple-

mental that has been promised by the majority leader will be coming, with the assurances that the Red Cross would be included within such supplemental, then that solves this Senator's concerns. The supplemental will have many other items, and by Monday, we will find out whether that supplemental is going to have to include the effects of this third hurricane that is headed our direction or whether we are still looking at the two hurricanes that have already hit us.

The supplemental we passed two nights ago was merely an emergency supplemental to get cash into FEMA. FEMA's well had run dry. They were flat broke. They had no more money to pay for the ongoing relief efforts. The \$2 billion is not enough, and everybody acknowledges that, for the first hurricane, much less all of the additional expenses for the first hurricane plus the second hurricane. I wanted to protect the American Red Cross, which is so vital to the interests of the recovery ongoing right now, since their well had run dry as well.

So with the assurances of the Senator from Mississippi that this new supplemental, whenever it comes—and it originates in the House and it is usually in a posture of "take it or leave it" at the last moment for the Senate—that we are not in the situation where we are going to be lacking for funds, this Senator is willing to set aside his amendment, holding it pending on those assurances from the Senator.

I thank the Senator for his kind comments.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator for his willingness to set his amendment aside. It will be held at the desk, and we will consider it in due course if we do not resolve it in the supplemental as I expect it to be resolved.

I assure the Senator that he is correct in the notion that we are going to work with him, cooperate with him, and with the people of his State and others who benefit from these Red Cross activities.

I thank the Senator for his cooperation.

The PRESIDING OFFICER. Without objection, the amendment is set aside.

Mr. COCHRAN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 3608

Mr. ALEXANDER. Mr. President, I send an amendment to the desk, and I ask unanimous consent for its immediate consideration.

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

The legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER], for himself, Mr. COLEMAN, Mr. ENSIGN, Mr. ENZI, and Mr. ALLEN, proposes an amendment numbered 3608.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the read-

ing of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit funds from being used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act)

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

Mr. ALEXANDER. Mr. President, I thank the manager and the assistant Democratic leader for this opportunity, which will take only a moment. This amendment is very simple and straightforward. The idea behind this amendment has the support of 34 Members of this body, with the principal Democratic sponsor being Senator SCHUMER in the authorization process.

In this appropriation process, the amendment simply says:

None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act.

Said more simply, it assures the oath of allegiance will not be changed at any time during the next fiscal year without congressional action. The language in this amendment is already in the House version of the bill.

The oath of allegiance is a fundamental statement of what it means to be an American. Much of the language in the oath dates back to the 1790s when Congress first required new American citizens to swear an oath of allegiance to the United States.

Today all new U.S. citizens—and many years there are nearly a million such new citizens—take this oath when they are naturalized. One of the most inspiring events of my life has been to attend those citizenship days in Federal courthouses that take place all over America, usually once a month.

Typically, in the Nashville courthouse or in some other courthouse, one might see 75 or 100 men and women and their families who come from all over the world. They spent 5 years waiting, learned the English language, and learned about U.S. history. They have conducted themselves well and they have decided to become citizens of the United States. There has been a lot of discussion in this body about the importance, especially in these times, of encouraging more focus on citizenship and what it means to be an American. The assistant Democratic leader and I proposed legislation last year, which passed the Senate unanimously, to create summer academies for outstanding students and teachers in U.S. history.

The Senator from Massachusetts, Mr. KENNEDY, and I have introduced legislation that would allow our Nation's report card to test eighth graders and high school seniors on U.S. history on a State-by-State basis because at this time in our history, unfortunately, the

lowest scores in any subject among seniors in high school in the United States is in U.S. history.

So taking the oath of allegiance and treating it with respect, not changing it except by act of the Congress, is an important part of a series of steps that we need to take to underscore the importance of helping all citizens, and especially new citizens, understand our common culture and what it means to be an American.

If my colleagues will indulge me, I would like to read the oath:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God.

That is an oath with strength and decorum. It sounds like something that might have been written by a group of rowdy patriots in Williamsburg a long time ago.

Since the late 1990s, under the Clinton administration and it continues today, there has been some movement to amend the oath. Under current law, the Bureau of Citizenship and Immigration Services, now housed in the Department of Homeland Security, has the authority to unilaterally change the oath. That is not right. Congress, this Congress, not a Federal agency, has designated the wording of the Pledge of Allegiance, of the National Anthem, of the national motto, and the content of our national flag. The oath, some of which predates all of those other national symbols, ought to be treated with the same respect.

I have a bill pending in the Judiciary Committee, and I am joined in that bill by Senator SCHUMER and many others, including the distinguished Senator from Mississippi, who is the manager of this bill, which will do just that. While the Senate works its will on that bill, this amendment will ensure the oath is not changed unilaterally by an agency in the meantime. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me congratulate the distinguished Senator from Tennessee for this amendment. I think what this achieves, if it is agreed to by the Senate, is that it prevents this oath being changed by regulation or fiat by some administration official. If the oath is going to be changed, it will have to be changed by law because it was established by law, as he points out, in section 337 of the Immigration and Nationality Act.

I am glad to be reminded that I am a cosponsor of his corresponding bill, and so are other Senators. I am told that an effort is being made to clear the amendment on the other side of the aisle, and we are awaiting the advice of the distinguished leader. I am going to ask if the Senator will permit us to go into a quorum until we can get a response from the other side.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Mr. President, I ask unanimous consent that the amendment of the Senator from Tennessee, Mr. ALEXANDER, be temporarily laid aside to permit the Senator from California to offer her amendment.

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

The Senator from California is recognized.

AMENDMENT NO. 3609

Mrs. BOXER. Mr. President, I send an amendment to the desk on behalf of myself, Senator FEINSTEIN and Senator HARRY REID, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California (Mrs. BOXER) for herself, Mrs. FEINSTEIN and Mr. REID, proposes an amendment numbered 3609.

Mrs. BOXER. 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 \$70,000,000 for grants to States, local governments, and first responders to purchase or improve communication systems to allow for real-time interoperable communication between State and local first responders and to offset this appropriation with a corresponding reduction from the Human Resources Account of the Office of the Under Secretary of Management)

On page 19, line 17, strike "\$2,845,081,000" and all that follows through line 22, and insert the following: "\$2,915,081,000, which shall be allocated as follows:

"(1) \$970,000,000 for formula-based grants and \$470,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714), of which \$70,000,000 shall be used by States, units of local government, local law enforcement agencies, and local fire departments to purchase or improve communication systems to allow for real-time, interoperable communication between State and local first responders: *Provided*, That the amount appropriated under title I for the Human Resources Account of the Office of the Under Secretary for Management shall be reduced by \$70,000,000: *Provided further*, That".

Mrs. BOXER. Mr. President, I thank Senators COCHRAN and REID for giving

me this opportunity to send my amendment to the desk. I understand I may be interrupted for a unanimous consent request. At any time, that is fine. But this is a very important amendment.

I say to my Republican colleagues who seem to be voting against all of our amendments to increase funding for homeland defense, we pay for this amendment. We do something very important in this amendment, and we pay for it by cutting out a frill that happens to be included in this particular legislation. Let me explain what we do. My amendment will increase Federal support for local efforts to improve homeland security by providing \$70 million to State and local agencies for interoperable communications. What does that mean, interoperable communications? That is so our various first responders can talk to each other, can communicate with each other across jurisdictional lines as they respond to a tragedy, to an emergency. As I said, we fully pay for this amendment, so all we need is a majority vote and we will be able to get this help to the police who need it so badly, and to the firefighters—the first responders.

One of the most painful parts of the September 11 attacks in New York was the loss of more than 300 firefighters and other law enforcement personnel who died inside the collapsing Twin Towers, trying to save so many beautiful, innocent lives that also wound up being lost. So many of our finest were killed—police officers, firefighters, other public servants—because they couldn't communicate with one another on the equipment they had. Imagine, they could not communicate in this crisis with one another because of the bad equipment that they had.

This was not a new problem. As the 9/11 commission report points out:

The New York Fire Department's radios performed poorly during the 1993 World Trade Center bombing, for two reasons. First, the radio signals often did not succeed in penetrating the numerous steel and concrete floors that separated companies attempting to communicate; and second, so many different companies were attempting to communicate on the same point-to-point channel that communications became unintelligible.

We have known this from the 1993 World Trade Center bombing. The inability for our first responders to communicate with one another hampered them way back then. We have a repeat of those two problems 8 long years later, on September 11, 2001.

There is a lot of talk in Washington about the fact that we are going to get hit again. We were called up to a secret room up there and we were told that. Then 5 minutes later Secretary Ridge told the whole country—so I am not saying anything out of school here—that we were going to be hit in this country before the election. Under this administration—forget about any new administration, whether there will be a new one or the same one—we were told by this administration that we were

going to be hit this year. This is an important bill on which my colleagues are working so hard.

I commend both sides of the aisle for their work on this bill. This bill is deficient and we are trying to make it better. One of the ways we can make it better for a relatively small amount of dollars—and I will tell you how I pay for this in a moment—is to make sure our first responders across our country get help so that they have the funds to be able to communicate with one another.

We have not fixed the problem after the World Trade Center. We have not fixed the problem after the Twin Towers calamity and the Pentagon calamity, and it is unacceptable. That is the bad news. The good news is we can do something about it today. Thank goodness this bill is before us so we can let the American people know their security and protecting them is not so many words; it is reality. We are doing something. But in the area of interoperability, what is in this bill is so small and it doesn't even call for a grant to actually purchase equipment. Can you imagine? It doesn't even call for grants to purchase the equipment. Our local responders know what they need, and we should be helping them purchase the equipment they need.

Our emergency public safety personnel must be able to speak to one another in real time. I am on the first floor of the building and I have gotten a report that something is wrong on the fourth floor of the building and communicate that to all of the emergency personnel so they know something is happening on the fourth floor of the building, and they can act because time is life in that world. Time is life in that world.

Almost every community in California I visited over this break—I spent my entire July and August at home. I visited small cities and big cities and small counties and big counties and rural counties and suburban counties and urban counties. Let me tell you, they all told me they need interoperable communication, that they need our help in funding it and they need it as soon as possible.

Let me go on the record stating that we have been warned. If, God forbid, there is another tragedy and the first responders can't talk to one another, it is our fault because we have the resources to do it. We have to do it. Lots of secret meetings don't do us any good to find out we are going to be attacked if we don't act.

Senator BYRD said the emperor has no clothes. That is one way of putting it. Today is a chance to put some clothes on the emperor. It is also a chance to have a real defense—not a Wizard of Oz defense that has a lot of bells and whistles, and color codes and orange lights and red lights and duct tape and all the other things—to put some equipment into the hands of our first responders and have a real defense so they can catch something before it

happens, and if they catch it when it happens they can make sure people's lives are saved.

Developing a single radio system will make a real difference in public safety, but paying for it is a huge burden on our local people. We need to give them the funding they need to purchase the technology that makes interoperability possible. Our first responders must be able to communicate with one another in that real time. They should not have to rely on their cell phones in a time of emergency. We need to do our job so they can do their job.

The administration's budget contains nothing for interoperable communication. The appropriations bill we are now considering only has \$31 million for research and technical assistance. Our first responders' first priority is not research, it is equipment. They know what they need. They are smart. This is their life. This is what they do every day. They are ready to make the purchases they need. So what are we doing? We have technical assistance from Uncle Sam. That is not what they need. They need to be able to have the hard dollars to go do what they have to do from the ingenious American technology sectors of our great country and put those units to work so they can talk to each other and they can rely on those communications.

My amendment goes a long way to addressing this issue. It would provide an additional \$70 million to help State and local agencies improve existing communications systems or purchase new systems. This funding would help our local agencies purchase equipment for real time, interoperable communications between first responders. This \$70 million would be above the \$30 million in the bill I talked about for research and technical assistance. The funding in my amendment is offset.

Let me repeat that. We are paying for this. I am going to ask the American people to judge along with the Senators how that \$70 million should be spent.

There is \$70 million in the bill from the human resources account. The Office of the Under Secretary of Management wants to design and deploy a new human resources system—a human resources system—and they are going outside the Federal Government to do it, hire high-paid consultants to do it instead of keeping the money where it belongs, in the hands of the first responders. We are going to have a new human resources system, another layer of bureaucracy brought to you by outside consultants who are going to probably go to lunch at the fancy places in Washington and send us the bill. I would rather give the money to my firemen and my policemen and policewomen any day of the week. That is the case you have. You can keep the money in there for this human resources account and spend this money on outside fancy consultants who are going to tell us how to deal with our human resources or we can get that \$70

million and give it to the first responders.

That is what we say we are for. We say we are for defending the homeland. Let us prove we are for defending the homeland.

I propose shifting the funds from the luxury and the frills while our emergency responders can't even talk to one another in a burning building. There is time for frills, my friends, and there is time for real decisions to be made. This is not the time for frills. This is a time to make a decision that our first responders are more important than some consulting firm that is going to make millions off the taxpayers for no reason whatsoever.

If our people do not know how to handle human resources, then get new people who know how to handle human resources. I thought that is why we paid management. That is what I think you should do. I have been in the private world, and the bottom line in the private world is you hire people to handle management. If you are going to take the money out of the business and go outside to hire high-paid consultants, then fire the people you have. If you want to do that, fire the people you have. If you have no trust in their management capability, fire them and then take care of that and put it into first responder funding.

After 9/11 we all asked what could we have done better? How could we have been better prepared? And the answer came back to me. I represent the largest State in the Union. We have high targets in our State, beautiful bridges and buildings. We have very famous landmarks in my State. We worry about terrorist attacks. My people are no-nonsense people. They know frills when they see it. And they know. I have talked to them. They know that one of the most important things our fire people and our police people need is to be able to talk to one another in an emergency in real time. If there is a terrorist attack on a railroad track, they have to get that word out up and down that rail line.

If there is an attack on a high building, on a high floor, the people coming in the building need to know something has collapsed up there. They need to know not to run up there and face the chaos of hell. They need to talk to one another. It is fairly basic.

The choice is clear. This amendment is an important step in fulfilling our responsibility to protect the homeland and to do it in a fiscally responsible way.

I am pleased Senator REID is a sponsor of this amendment, and I am very proud that Senator FEINSTEIN is. I hope we can get some Republican support. This is paid for by a frill that we do not need.

The first responders in our States are the heroes. We say it every day. There is not one Member who does not say it every day. If they are the heroes and they are telling us they need this, then let's do it.

I ask unanimous consent to add Senator CLINTON as a cosponsor to my amendment.

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

Mrs. BOXER. I have some articles, including this one from the PR Newswire Association. It says:

Almost three years after the 9/11 terrorist attacks, thousands of police and fire divisions in cities and counties across the USA still do not have coordinated communications capabilities. This unresolved national crisis—referred to as a lack of “interoperability”—is prompting the First Response Coalition to reach out directly to more than 43,000 local police and fire officials to solicit their help to get Congress to . . .

I ask unanimous consent to have that printed in the RECORD.

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

[From the PR Newswire Association, Inc., August 25, 2004]

NEARLY 45,000 U.S. POLICE, FIRE OFFICIALS URGED TO PUSH CONGRESS TO SOLVE FIRST RESPONDER INTEROPERABILITY CRISIS; HUNDREDS OF RANK-AND-FILE FIRST RESPONDERS EXPECTED TO OPPOSE GIVEAWAY TO NEXTEL

Almost three years after the 9/11 terrorist attacks, thousands of police and fire divisions in cities and counties across the United States still do not have coordinated communications capabilities. This unresolved national crisis—referred to as a lack of “interoperability”—is prompting the First Response Coalition to reach out directly to more than 43,000 local police and fire officials to solicit their help to get Congress to overturn the Nextel spectrum grab in favor of a plan that deals both with the interference problem and the interoperability crisis.

Gene Stilp, who is the First Response Coalition coordinator and a volunteer firefighter, EMT and vice president of the Dauphin-Middle Paxton Fire Company 1, in Dauphin, Pennsylvania, said that, “the FCC plan is wrong for police officers and firefighters. It only take on part of the interference issue and doesn’t do a thing about interoperability. The FCC plan is short-sighted, and, if we don’t act together, we’ll miss the opportunity to get Congress to step in and solve both the interference issue and the significantly larger interoperability problem.”

The letters to a total of 42,463 police and fire officials in all 50 states started going out earlier this month and responses are just now starting to come in. The outreach program is getting a very favorable grassroots response including over 17 fire chiefs who have joined the ranks of the First Response Coalition in opposing the FCC’s current plan for the taxpayer-owned spectrum.

In the letter, the First Response Coalition proposes a plan to “auction off the spectrum that the FCC plans to give away and dedicate the \$5-10 billion that would be raised for communication system upgrades. (The plan) also would accelerate regional deployment to ensure that a majority of systems nationwide are upgraded by 2006.”

“Nearly three years after the tragedy of 9/11 was made worse because first responders could not adequately communicate with one another, almost nothing has been done to address the interoperability crisis,” said Bill Fox, a New York Metropolitan Fire commissioner and a member of the First Response Coalition.

During August, the Coalition is underscoring its call to action with key Capitol

Hill meetings, including sessions with U.S. House of Representatives members serving on Energy and Commerce, Government Reform and the Select Committee on Homeland Security. The coalition also has met with the U.S. Senate Governmental Affairs and Commerce committees.

ABOUT THE COALITION

The First Response Coalition (<http://www.FirstResponseCoalition.org>) consists of citizens, individual first responders, and advocacy groups who are particularly concerned about first responders having the best possible communications capabilities. The First Response Coalition believes interoperability issues must be addressed by the FCC or Congress in any plan that reorganizes spectrum and, as a result, will disrupt public safety communications systems across the country. The First Response Coalition has developed a white paper, “It’s Time to Talk: Achieving Interoperable Communications for America’s First Responders,” which is available online at <http://www.FirstResponseCoalition.org>.

Since its launch in June 2004, the First Response Coalition has grown to include the National Black Police Association, the American Legislative Exchange Council and the California Seniors Coalition. In addition to Stilp and Fox, a number of other individual first responders—including fire chiefs from around the nation—have joined the Coalition’s initial members.

Mrs. BOXER. I ask unanimous consent to have an article from the Desert Sun, Palm Springs, CA, printed in the RECORD. In this particular area of my State, the Republicans are in most of the elected offices. They say every single day they are all on a different radio frequency and they don’t have the ability to communicate. It is amazing, because it is 2004.

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

[From the Desert Sun (Palm Springs, CA), July 4, 2004]

FIRST RESPONDERS HOMELAND DEFENSE ACT (By Lois Gormley)

Homeland defense could get \$300 million a year in federal money under legislation sponsored by Sen. Barbara Boxer to develop a communication system that would allow first responders to talk to each other.

“If we expect our first responders to do their jobs, we need to help them,” Boxer, D-Calif., said Saturday.

Boxer discussed the First Responders Homeland Defense Act she introduced in March during a visit to the Coachella Valley. “Every single agency in this valley—really the state—we’re all on a different radio frequency,” said Capt. Sandra Houston, commander of the Indio area California Highway Patrol.

The inability of different agencies to communicate with one another during an emergency is a major obstacle to working together and being able to relay information immediately.

“We don’t have that ability and it’s amazing because it’s 2004,” she said.

The problem, usually caused by incompatible equipment, can sometimes translate into loss of lives, as it did during the Sept. 11 terrorist attacks, Houston said.

Boxer’s bill, if passed, would provide \$50 million a year in grants to nonprofit organizations to conduct training and \$300 million a year in grants for communication systems.

The act also would provide a hotline to help first responders navigate the often con-

fusing and time-consuming task of finding and obtaining federal grant money.

“There are so many different strings of funding coming from so many different places, it’s a full-time job to keep track of it all,” Boxer said.

She discussed the key points of her bill after meeting with local police, sheriffs, and highway patrol officials at the Palm Springs Police Department’s Training Center.

The inability to communicate with one another has long been a point of concern for valley law enforcement officials.

Desert Hot Springs Police Chief Roy Hill said he, Palm Springs Chief Gary Jeandron and other valley police chiefs have been looking into federal funding options for an inter-operable radio system for about six months and recently submitted a request for grant funding.

Riverside County has also been exploring the costs and benefits of developing a regional system that would bring all of the county’s 54 public safety agencies onto shared frequencies.

Boxer’s legislation could provide the money needed to solve what is a statewide problem.

“They need to speak to each other in real time but very few communication systems in California have that ability,” Boxer said.

Her bill, SB 2239, is now in the Senate Committee on Governmental Affairs.

In a closed-door meeting with local law enforcement officials, Boxer talked about their efforts to improve homeland security.

She also brought them up to date on federal funding and proposed cuts by the president, and the survival of older law enforcement grant programs that help keep police and sheriff’s departments well-staffed, equipped and trained.

Hill said the grants are particularly important to smaller departments.

Mrs. BOXER. And from the Contra Costa Times, “Gaps in Communication”:

We have a patchwork of communication systems out there, and we do what we must to make it work. . . . But there are times where we’re only one step above tin cans and string.

Further in the article:

We can literally be rolling side by side with a unit from another city and not be able to talk to them. It’s not too difficult to imagine how crazy things could get with several agencies converging for one incident.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Contra Costa Times (Walnut Creek, CA), September 5, 2004]

GAPS IN COMMUNICATION (By Guy Ashley)

If the airliner hijackings of Sept. 11, 2001, drove a dagger into the nation’s heart, the news that followed was a splash of salt on its wound.

Soon after thousands of people died in the World Trade Center, investigators unearthed evidence that as many as 100 firefighters killed when the two towers crumbled might have survived had their emergency radios worked.

To most of us, the fatal shortcomings of basic equipment seem unimaginable.

But to those who keep up with such things, including the first responders on the front lines of emergencies throughout the East Bay, the radio breakdowns of Sept. 11, 2001, not only rang familiar, they hinted at the

disastrous potential of communications failures that persist to this day.

"We have a patchwork of communications systems out there, and we do what we must to make it work," said Robert Maginnis, an assistant Alameda County sheriff. "But there are times where we're only one step above tin cans and string."

The Sept. 11 attacks were far from the first glaring example of a public safety communications breakdown amid large-scale disaster.

Nightmares still flare about the 1991 firestorm that swallowed neighborhoods in the Oakland and Berkeley hills. Firefighters from surrounding communities converged swiftly on the chaotic scene that October day, but were left to watch the inferno rage because they could not communicate with officials coordinating the response.

In the rubble wrought by the 1995 Oklahoma City bombing, radio breakdowns forced emergency workers to ferry handwritten notes to and from the ravaged Alfred T. Murrah Federal Building.

But those headline-grabbing ordeals are outnumbered by the all-too-ordinary instances where a quick-thinking East Bay police officer or firefighter must work around transmission blockages that leave them feeling that their safety, and their ability to protect the public, hangs by a thread.

"Knock on wood, it's never created a life-or-death situation," said Lt. Steve Pricco of the San Leandro police, whose officers cannot communicate directly with police in two adjacent cities because of incompatible radio systems.

"It's something all of us have had to work around for years . . . and it's just a fact that it slows down our ability to coordinate a response" with neighboring police, Pricco said.

Surely, in the era of Homeland Security czars and their multicolored alert systems, of special commissions and congressional hearings, a fix must be at hand.

But a Times survey found otherwise. Interviews and a review of other evidence showed that emergency radio problems caused by incompatible technologies and overcrowded frequencies abound across the East Bay.

"We can literally be rolling side by side with a unit from another city and not be able to talk to them," said Livermore police Lt. Scott Trudeau. "It's not too difficult to imagine how crazy things could get with several agencies converging for one incident."

Experts pin the blame on a longstanding public-sector mindset that local needs take precedent over regional, and on radio manufacturers who routinely design their equipment with proprietary parts and software, so that incompatibility with systems designed by rival companies is commonplace.

Throughout the East Bay, the resulting incompatibilities make for illogical communication gulfs and a few strange bedfellows:

Richmond police can't radio sheriff's deputies in their own county but can talk with Oakland and BART police via radio with little effort.

Oakland police cannot speak directly on their radios with officers from their two biggest neighbors—Berkeley and San Leandro, Berkeley police, meanwhile, can't speak directly with officers who operate within their city on the University of California campus.

Nobody uses the same band of radio frequencies as the California Highway Patrol. Nobody, that is, except the East Bay Regional Park District.

Walnut Creek, Pleasant Hill, Concord, Clayton, Pittsburg and Martinez police cannot radio firefighters in their cities. Neither can Pinole or Hercules police.

BART police cannot radio city police departments anywhere along the Pittsburg-Bay Point line: Lamorinda, Walnut Creek, Pleasant Hill, Concord or Pittsburg.

Oakland police and Alameda County sheriff's deputies mingle among rowdy fans while splitting security duties at Oakland Raiders games, but if the fun turns to mayhem, the two agencies cannot speak to each other on their portable radios.

Ambulances cannot communicate directly with fire crews in Richmond. To receive updated information at the scene of an emergency, ambulances must instead talk through a dispatcher in a remote location.

Workers caught in the confusing web of incompatible communications systems have talked for years about a logical solution, an "interoperable" regional radio system that could be easily accessed by all of the East Bay's public safety and emergency services agencies.

Lately, there have been signs that the years of talk are finally being converted into action.

A new "working group" of Alameda and Contra Costa officials formed this year to address first responder communications problems. The group has hashed out a rough plan to pool Homeland Security funds due the East Bay for a down payment on a regional system, which could cost as much as \$75 million.

But such a system is at best several years away, thanks to a shortage of funds available to financially challenged local governments and the need for consensus among all agencies likely to participate.

Meanwhile, concerns persist about what police, firefighters and other first responders are working with today.

Public safety agencies, the backbone of any emergency response, are forced to work around plugs in the regional web of communications systems as officers chase vehicles fleeing into neighboring cities, or firefighters are called on to provide backup on a fast-moving fire.

The same problems hinder electronic links to ambulances. They hover with menacing potential over radio links to National Guard units that routinely are called upon to keep order in large-scale emergencies, as well as public works and water agencies whose contributions could prove pivotal in a fast-moving crisis.

"Having the communications linked is not a strength here," said Leslie Mueller, operations director for American Medical Response, the private ambulance company that serves Contra Costa and the majority of other California counties.

Clashing communications equipment forces stopgap measures that can be confusing. East Bay firefighters, for instance, frequently ride with multiple sets of radios in hope that one will serve them during a regional incident.

Communities stockpile portable radios to pass out to outside responders in case of a large-scale emergency, a sensible solution as long as everyone knows where to go to get one.

In a large-scale incident, Trudeau said, "You have to literally grab a representative from another agency and pair up with them so the two agencies can talk."

Other area police officers note that when the California Highway Patrol helicopter is dispatched to an East Bay search-and-rescue incident, it often must land first and pick up a representative from a local police department.

That can be the only way crews on the ground can communicate with the helicopter, whose CHP radio is incompatible with that of most police agencies.

The most common way police and other first responders communicate when their radios don't mesh is through dispatchers: An officer in the street radios a request to a dispatcher, who feeds the message to a counter-

part in another city, who radios the message to officers in that city.

The system sounds complicated on paper, but it is performed with impressive coordination on routine calls day to day.

But first responders are dogged by a nagging fear that the system could break down in a large-scale disaster as dispatchers are besieged by radio calls from first responders in the field and 911 calls from residents seeking help.

The most obvious solution now available to dispatchers is to direct first responders to turn their radios on to "tactical" channels available to most radio systems.

But because only a handful of tactical channels are available to local responders, they easily can become overwhelmed with chatter during a large-scale incident—precisely what happened during the Oakland hills firestorm.

Agencies in Alameda and Contra Costa are taking another step to improve the systems they have. Both counties are installing new equipment that will "patch" signals from disparate radio systems together in emergencies.

The equipment, known as "black boxes," holds great potential in providing East Bay responders with a level of interagency communications capacity not previously available.

Again, though, the equipment has limitations.

Even with the "black boxes," one agency's radio equipment is only as good as the infrastructure that supports it, especially the transmission towers and "repeaters" required to transmit the messages of responders in the field.

If, for instance, an Oakland police officer is sent to Lawrence Livermore Laboratory to help in a large-scale incident, the officer's radio may not work, even with the "black boxes," because the radio will be so far away from the equipment that supports its signal.

Communications breakdowns that plagued first responders Sept. 11 have fueled the drive toward interoperability nationally and across the East Bay.

Experts have testified that the deaths of more than 100 firefighters who died in the south tower of the World Trade Center can be blamed in large part on incompatible radios, problems that the 9/11 Commission said "will likely recur in any emergency of similar scale."

The bite of past natural disasters, and the East Bay's possible appeal as a terrorist target in the future, offer reasons enough for the region to find a solution to its decades-long problems with incompatible communications systems, officials said.

"The mistakes that were made on Sept. 11, we can prevent them now," said Assistant Chief Chris Suter of the San Ramon Valley Fire District. "We should be working together."

Such solutions will pay dividends day to day, as well as when the Big One hits.

Just ask the law enforcement officers who were on duty when an Oakland police officer was killed July 22 in a traffic accident in Castro Valley.

Officer William Seuis, 39, of Pleasanton died when the motorcycle he was riding was struck by a truck on Interstate 238.

Witnesses to the afternoon accident called 911 to report that the truck did not stop and continued onto eastbound Highway 580. The call went to the California Highway Patrol, whose officers eventually stopped the truck described by witnesses in Dublin, about 12 miles away.

Alameda County sheriff's officials say the truck probably would have been stopped a lot sooner if two deputies traveling on I-580 just in front of the truck had known about the downed officer.

But they never heard about it. The CHP broadcast did not transmit on their radios.

"We don't need the 9/11 Commission report to tell us interoperability is a major concern," Robert Maginnis said.

Mrs. BOXER. Mr. President, I hope and pray the vote on this amendment is bipartisan. This amendment is paid for. It does not add to the deficit. It makes a choice between a frill of outside consultants coming in to tell management how to run the show.

If the administration is not happy with who is running the show, fire those people and get somebody else. But do not spend 70 million bucks of the hard-earned taxpayer money, when these working men and women who are our first responders, who are our heroes, who we rely on, are telling us they are one step above tin cans and a string to communicate.

I ask for the yeas and nays on my amendment.

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

The yeas and nays were ordered.

Mrs. BOXER. I yield the floor.

Mr. REID. Mr. President, I appreciate very much the Senator from California offering her amendment.

I want the Senator from California to recognize that Senator BYRD and I talked a little bit today about interoperability radios. At that time, I indicated I had met with all the sheriffs and law enforcement officers of the 17 counties of the State of Nevada. Every one of them lamented the fact—whether it is the fire departments in Clark County, the most populous city, Las Vegas, sheriff's department, or in Henderson, the second largest city in Nevada—departments cannot talk to each other.

I said this morning I think it costs approximately \$6 million or \$7 million to take care of that, but that was from memory and I was wrong. My staff heard me say that and, of course, got the correct figures.

In the city of Las Vegas alone, it will cost \$40 million to take care of their problem; for the city of New York, \$400 million. We have in this bill \$20 million to take care of radio interoperability. It is important we increase that to \$70 million plus the \$20 million.

Mrs. BOXER. It is \$30 million in the bill and we increase it by \$70 million for \$100 million.

Mr. REID. So we have \$100 million. That would do a lot. A lot that needs to be done is simply planning and designing how we will do that.

My point is, these are problems that are very difficult to take care of but they have to be done because you cannot have a situation such as we had in New York City where the people were dying in those towers because they could not talk to each other.

Mrs. BOXER. Will the Senator yield for a question?

Mr. REID. I am happy to yield for a question.

Mrs. BOXER. Wouldn't my friend agree that we are now saying to our

first responders all across the country, regardless of where they are, whether they are in Oregon, whether they are in Mississippi, whether they are in Nevada, whether they are in New Hampshire or whether they are in California, are we not saying to them that they, in essence, have to respond to an attack on our homeland that is, in fact, part of the war on terror? Are we not telling them when 9-1-1 is called at a local level, regardless of the crisis, if it is attached to terrorism, it is, in fact, a national attack?

Mr. REID. The Senator from California is absolutely correct. It is a national attack.

In the Senate I have something called a BlackBerry. My staff in Las Vegas can contact me on this. Whether it is Carson City, Reno, my staff up here in the Capitol, my staff in the Hart Building, they can contact me on this. There is a low vibration, I pick it up, read what they have to say, and I can communicate back with them—yes, no, let's do it later or a longer message.

We have the ability to communicate in the Senate.

It is important for us to be able to communicate. As the Senator knows, we came together as Members of Congress quite a few years ago. Back then faxes did not work very well. But now we have so many different ways to communicate with each other. It seems to me if we can communicate the way we do, our first responders should be able to communicate.

The Senator has made a small step toward a big problem, an important step but it is not one to break the bank.

Mrs. BOXER. We pay for it.

Mr. REID. We sent to Iraq last year—and I also mentioned this to Senator BYRD earlier—in supplemental appropriations—meaning appropriations over and above the normal appropriations we do, last year we sent a first supplemental of \$69 billion and the second was \$87 billion. Couldn't we spend \$70 million on my State in Nevada and California?

Mrs. BOXER. I say to my colleague, in an attempt to get some votes from the other side of the aisle, we actually found an offset. We are not adding; we are cutting out a part of this bill that deals with an outside consulting contract to bring people in on human resources development.

As I said to my friend, if this administration does not think they have the right management in place that can handle their human resources, then they should get rid of them and get new people. But the fact is, they are spending in this bill \$70 million on fancy-dressed outside consultants who eat in the best restaurants in town, while the least we could do is put that off and let the management do their job there and use this funding to help our people on the ground.

Does my friend agree this is a time when we cannot really afford frills,

that we need to spend the money where it is most needed, in the hands of our first responders?

Mr. REID. The Senator is absolutely right. We will have, as soon as this vote is called, a simple majority vote. That is all it will take now.

Mrs. BOXER. That is right.

Mr. REID. Today, we have had supermajority votes because there have been points of order because there have not been offsets. I, of course, would vote for this amendment whether it had an offset or not because it is so important. I appreciate this amendment.

When we send our people to battle in Iraq and Afghanistan and other places, they have the ability to communicate with each other. That is modern warfare. But with modern firefighting, police work, as with other first responders, they do not have that same benefit. That is certainly something they should have.

I hope this amendment is adopted. I hope our friends on the other side of the aisle will recognize how important this is. It is just the evidence we need to do more. As I say to my friend from California, this is a step in the right direction. We need to do a lot more. I certainly hope this amendment is adopted. I hope it is by an overwhelming margin.

Mr. JEFFORDS. Mr. President, I express my strong support for the amendment offered by Senator BOXER to provide \$70 million to our Nation's first responders for interoperability.

In the days following 9/11, interoperability became one of my chief concerns. I was appalled that our first responders did not have the tools they need to communicate with each other. I know that some progress has been made in distributing funds to States and localities to develop interoperable communications plans and to purchase interoperable equipment. However, I continue to be dissatisfied with the levels of commitment and funding dedicated to this critical need by this administration. It is clear that the Congress needs to take a leadership role to ensure that our first responders are adequately equipped to deal with future disasters, whether caused by terrorism or natural weather events. I urge my colleagues to support additional funding for interoperability.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we appreciate the distinguished Senator from California—

Mr. REID. Mr. President, will the Senator yield?

Mr. COCHRAN. I am happy to yield to the Senator.

AMENDMENT NO. 3608

Mr. REID. Mr. President, we have gotten approval from the Judiciary Committee on the very fine amendment offered by the Senator from Tennessee.

Mr. COCHRAN. Mr. President, I am happy to have that information from the distinguished leader. Previously

the Senator from Tennessee offered an amendment. We had set that amendment aside to see if it could be cleared on both sides. We are glad it has been cleared on both sides.

Mr. President, I ask unanimous consent that we call up the Alexander amendment.

The PRESIDING OFFICER. Without objection, the amendment is pending.

Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3608) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3609

Mr. COCHRAN. Mr. President, I now ask unanimous consent that we return to the Boxer amendment.

The PRESIDING OFFICER. The Boxer amendment is pending.

Mr. COCHRAN. Mr. President, as I understand the amendment of the distinguished Senator from California, she proposes to add \$70 million to a grant program account that provides funds for State and local governments for a variety of purposes. The purposes include a strategy for dealing with homeland security issues, including training and exercises, equipment, including interoperable communications equipment and technical assistance, and may not be used for construction activities. The amount of money in that account in the bill is \$2,845,081,000. Her amendment would add \$70 million to that amount and earmark that \$70 million for interoperable equipment only.

Now, just looking at what this does to one State—let's just pick out California, coincidentally—funds have been made available to the State of California under this grant program for State and local governments in excess of \$680 million since fiscal year 2002. The State of California can use that money for interoperable communications. They can use it for other things. I do not know exactly what they are using the money for, but I assume they are using some of it for interoperable communications, as they are authorized to do, as they are permitted to do.

But what is a concern is to shut down a new management system that is being developed by the Department to make the Department more efficient, to make it operate more effectively, to take all that money, prohibit the use of any of that money, and add it to this other account. It seems to me it is second-guessing the decision made by the full Committee on Appropriations, and our subcommittee in particular.

When we analyzed the request from the Department of Homeland Security, there was a request for \$102.5 million for a program to develop a new pay system, performance management, managerial training, to modernize the

human resource system of the Department of Homeland Security.

Our staff conferred closely with the Department, asked questions about what this would do, how important was it, and went through the drill. We also had an opportunity to review our staff's assessment of it. The committee decided to approve \$70 million of that \$102 million request. The work is now underway. The work is to develop and put this in place. It would be a big mistake at this point to take that \$70 million and shift it to another program, where we already provide a substantial amount of money, as I said, \$2.8 billion, for these grants to State and local governments, and then to earmark some parts of that just for interoperable communications equipment. The point was to leave these judgments up to State and local entities, not to, as a U.S. Congress person or a Senator, make these decisions for the States.

California has plenty of money in this account to buy a lot of interoperable communications equipment if they want it, if they need it. But to make a judgment as to how they should use the money now and earmark certain parts for specific functions is beyond our ability to really make the decisions and make them in a correct way that serves the final goal, the objective of an improved national homeland security program.

So we are strongly opposed to the adoption of this amendment. We think it would be a mistake. It may sound good to some, but it does not make any sense to this Senator. The subcommittee has worked closely with the Department to understand the need for the human resources system. It has helped determine the level of spending to allow the Department to move forward with this system. We concluded the funding included in the bill is necessary for the Department to be able to move forward with a pay-for-performance system.

I do not have anything else to say about the amendment. It is offset. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from North Carolina (Mrs. DOLE), the Senator from Oklahoma (Mr. NICKLES), and the Senator from Oregon (Mr. SMITH) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The result was announced—yeas 46, nays 45, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—46

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

NAYS—45

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

NOT VOTING—9

| | | |
|----------|---------|---------|
| Akaka | Corzine | Kerry |
| Campbell | Dole | Nickles |
| Clinton | Edwards | Smith |

The motion was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I understand we may have an amendment to be offered by the Senator from Iowa at this time.

Mr. REID. Senator HARKIN is in the building and he should be here momentarily.

Mr. COCHRAN. There are Senators who have indicated an intention to offer other amendments. We are reviewing some at this time. We hope to be able to accept some of these amendments. We appreciate the cooperation of all Senators today. We have made excellent progress on the bill. We have taken up a number of amendments and voted on them and we hope to be able to complete action on this bill on Tuesday evening. We hope it is not late Tuesday evening. So we are making every effort to organize our effort and encourage those who do have amendments to please let the committee know about the amendments. We have an identified list that is in order, and for those who intend to offer amendments, the sooner they can get us copies of those amendments, the sooner we may be able to let them know whether we can accept them or suggest modifications that could be acceptable.

We would like to cooperate with all Senators in moving the bill along with dispatch. We do not see any need to delay the Senate and to cause us to be in late tonight or tomorrow. We know

some Senators have plans for travel and we are hoping we can take up another amendment or two tonight and then be able to work on other parts of the bill tomorrow as well. I thank my colleagues for their cooperation with the committee.

I understand the Senator from Iowa is on the floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3612

Mr. HARKIN. Mr. President, I ask that my amendment, which is at the desk, be called up on behalf of myself and Senator BIDEN.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa (Mr. HARKIN), for himself and Mr. BIDEN, proposes an amendment numbered 3612.

Mr. HARKIN. 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 restore the maximum percentage of hazard mitigation contributions that may be made for a major disaster)

At the appropriate place, insert the following:

SEC. 404. HAZARD MITIGATION.

Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended in the second sentence by striking "7.5 percent" and inserting "15 percent".

Mr. HARKIN. Mr. President, I thank the chairman for giving me this time to lay my amendment down and discuss it for a few minutes. It is a very simple amendment. It has to do with FEMA, the Federal Emergency Management Agency's postdisaster Hazard Mitigation Grant Program. For colleagues who may not be familiar with the postdisaster Hazard Mitigation Grant Program, this is money that is sent by FEMA to the States following disasters such as floods, tornadoes, or hurricanes that have affected so many of our constituents this year. The assistance follows, and it is in addition to the immediate disaster assistance for cleanup and reconstruction. This money is for hazard mitigation. It is used to reduce the likely devastation of future disasters by buying out flood-prone property or by flood-proofing, stabilizing buildings or other structures, building hurricane shelters, seismic retrofits for earthquake or shock absorption, and for drainage improvements.

This money helps to reduce what it is going to cost us in the future for other disasters, so it saves lives and it saves money in the long run. These moneys are in addition to the moneys that go out for immediate reconstruction.

In 1993, I and some other Senators led an effort here to ensure that the grants would provide an additional 15 percent in FEMA money for whatever was provided for both in public and individual assistance. So it has been at 15 percent

since 1993. In 2003, that percentage was cut in half, to 7.5 percent. The bill before us today leaves that lower funding level in place. This is totally inadequate. Let me give some examples.

Following the Midwest floods of 1993, it became apparent that the then-level of mitigation disaster assistance, which was at 10 percent, which was in the original Federal law, was not enough. Again, as I said, I and other Senators worked to increase this from 10 percent to 15 percent. Keep in mind, that 10 percent was in the original law.

In 2003, that percentage was reduced to 7.5 percent. Since we increased that to 15 percent, there has been tremendous success in reducing disaster risk in many communities all over the Nation. Many communities in the Midwest that suffered flood damage in 1993 saw a major reduction in applications for emergency aid for damage due to subsequent floods, thanks to these hazard mitigation grants.

One example I have, and I have many, is in Louisa County, IA. They have a floodwall that was designed to protect against a 500-year flood. But when this levee is damp for an extended period of time, the water seeps through and damages property. In the flood of 1993, 275 homes were damaged; 200 residents were evacuated. It was not feasible just to go in and demolish all these houses. They have a lack of affordable housing in that area. But luckily, with these mitigation funds, a local entity stepped in, used the hazard mitigation funding to move and refurbish the salvageable houses, and to protect them from future flooding.

This repeated itself in 2001, but because we had used the hazard mitigation funds we avoided more than \$1.2 million in losses that would otherwise have occurred. How do we know that? Because that is what occurred almost 10 years earlier in the flood of 1993. That is what we were just talking about in terms of money. But I remind my colleagues that these savings do not include the noneconomic heartbreak, stress, and trauma that goes along with losing your home, family pictures, all you have worked for, overnight. That is why I was so dismayed to see the 15-percent level reduced to 7.5 percent in the 2003 VA-HUD appropriations bill.

Some colleagues may have concern about amending the Stafford Disaster Relief Act on an appropriations bill that we have before us. I assure you, this amendment only restores a cut that was made in a previous appropriations bill.

Also, for my colleagues who may not be here but may be watching this on their sets in their office, I also want to note that the House has already passed this restoration. The House of Representatives has already restored the hazard mitigation funds from 7.5 percent to 15 percent. So, again, as we have seen what has happened, especially the devastation we have had in Florida, we really do need to make sure

we have not only the funds to respond but to mitigate in the future.

I hope Florida is spared another hurricane, but we know that hurricanes will hit Florida sometime in the future. That is just where the hurricane track goes.

I want to read a quote from the Wall Street Journal on August 16 of this year from Frank Reddish, the Dade County emergency management coordinator, referring to Hurricane Charley:

Anyone looking at this can clearly see that Charley was a pretty good terrorist. He did a much better job than al-Qaida ever could.

I am all for doing everything I can to protect our country against terrorism. But we also must protect against future floods, hurricanes, tornadoes, earthquakes. One of the best ways we do that is through hazard mitigation; to do things that will prevent the kind of damage that will occur in these future catastrophes. So think about it as combating terrorism. We don't wait until the terrorists strike. We do things beforehand. That is what hazard mitigation is for, to protect us beforehand. Don't just wait until the event occurs but let's go ahead and invest in making sure our houses, our facilities, our public utilities and others are, to the best extent possible—after they have been damaged in a catastrophe—to make sure they have the funds necessary so if such a catastrophe strikes again, they will not be subject to such terrible losses.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HARKIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, as I understand the amendment proposed by the distinguished Senator from Iowa, it would change the percentage by which mitigation funds are calculated to be due from the Federal Emergency Management Agency. The Disaster Relief Fund, which we replenished with a supplemental appropriations bill just yesterday with the approval of \$2 billion of new money, is an example of the stress that has been placed on this fund because of recent disasters in Florida and elsewhere. To refresh the memory of Senators, the program involves a disaster relief and mitigation funding program. The Disaster Relief Fund provides individual assistance to those who have been displaced from their homes in disasters.

It helps pay for food, shelter, and other emergency needs. FEMA—the Federal Emergency Management Agency—administers this program after a disaster. As I understand, approval of the amendment would increase the funds FEMA has to pay out of the Disaster Assistance Fund. I am, frankly, not clear in my own mind exactly how this works, but I am advised this is

going to have the net effect of more than doubling the Federal obligation in disaster assistance. Every State that is declared by the President to be eligible for disaster assistance has its damages assessed and becomes eligible for mitigation money. I am told the fund that pays for mitigation benefits is like buying out homes which are in flood-prone areas or building retaining walls to help in the event of the next disaster. These are important efforts to undertake so future disasters will not result in the same kind of damage and will be mitigated or lessened, reduced. The Federal Emergency Management Agency calculates that 7½ percent over and above the amount of Federal disaster assistance it has provided and gives that money to States.

In the past 2 years and in this year's Homeland Security appropriations bill, there is another form of mitigation funding which is available to States called the Pre-Disaster Mitigation Fund administered by FEMA, to which States can submit competitive applications to receive mitigation funding before a disaster strikes. Any State, regardless of it having been designated a Presidential disaster, can submit a request and have it judged on its merits.

We have attempted to balance the various kinds of disaster assistance available to victims and available to States in this bill. We support the President's effort to offer assistance to communities before and after disaster strikes. It allows communities to raise risk awareness to help reduce the Nation's disaster losses through better mitigation planning, and the implementation of plan and cost-effective measures. We think at this point it is not the responsible course of action to double the formula and increase the amount States are going to be permitted and can claim from FEMA and not increasing the amount of money that is available to FEMA to pay out the money. This is language change. It is actually bill language. It is authorizing language on an appropriations bill. It doesn't belong on this bill. It should be considered first by the Environment and Public Works Committee, the committee that has legislative jurisdiction of these programs. I understand that committee has a bill that has been sent over to the House that deals with this issue. We should await the advice and counsel and action of the authorizing committee before we act on this proposal.

Because of those reasons, I urge the Senate to reject this amendment. I think it is clearly authorizing language, and it will be my intention—I don't want to cut off the right of any Senator to speak—to move to table the Harkin amendment and ask for the yeas and nays. But I will refrain from doing so until I am assured that Senators who want to speak on the amendment have a right to do so.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Alaska.

Mr. STEVENS. Mr. President, I commend the managers of the bill for the

way this bill is proceeding. But I want to make a plea to the Senate. We have been informed that the FBI, the Customs Service, the Immigration Service, and other portions of the Homeland Security Department are running short of money, as so many agencies are concerned with the problems of homeland security now. I consider this bill to be the second most important bill before our Appropriations Committee. We finished the Department of Defense bill which is the first bill. It was the bill to fund those who are serving in uniform abroad when we have forces involved in wartime circumstances. We did act on the Defense bill before the last recess. We are going to be in a period next week which is a very confusing period. It is a period justifiably recognizing a Jewish holiday that is coming up, but it is a situation I think that requires us to consider the time factor on this bill.

I am rising tonight to tell the Senate that it is my hope we will finish this bill by next Tuesday. If we get this bill passed by the Senate next Tuesday night, we can get it to the House and we can get conferees appointed and the various conference staff who are not involved with the holiday we are going to observe will be able to work on the bill. I hope we can get this bill to the President before the end of this month. September 30 is the end of this fiscal year. These agencies need this money. The agencies of the Homeland Security Department need this money by October 1.

I plead with the Senate to recognize the time factor and cooperate with the managers of the bill. It is entirely possible for us to finish this bill by next Tuesday as far as I can see.

I again congratulate particularly my good friend, the chairman of the subcommittee, for the way this bill is being handled.

But please consider the effect of not getting this bill passed in time for the money being available on October 1. A continuing resolution will have to be before us sometime next week, but it will continue the Department of Homeland Security at the existing level. This bill represents an increase in money for various agencies in the Department of Homeland Security, and that money is necessary by October 1. It is a security matter now. It is not a matter of adopting a resolution for departments that can operate for at least a month or so on the continuing resolution. This committee cannot and should not operate on a continuing resolution. I urge the Senate to help us get this bill passed by next Tuesday night.

I thank the Senator for yielding the time.

Mr. COCHRAN. Mr. President, I thank the chairman of the full committee, my friend from Alaska, Senator STEVENS, for his kind comments about managing this bill. I appreciate his urging also that this bill be completed on Tuesday. We think that can

be done. We think with the cooperation of the Senate it will be done.

I am now advised the amendment of the Senator from Iowa does contain general legislation, and because of that a point of order might be sustained under rule XVI. Therefore, I raise a point of order under rule XVI that the amendment constitutes general legislation on an appropriations measure and is not in order.

The PRESIDING OFFICER. The point of order is well taken and the amendment falls.

Mr. COCHRAN. Mr. President, the Senator from Virginia has an amendment. This may be a good time for him to offer that.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, at the direction of the Senator from Mississippi, Senator COCHRAN, I ask unanimous consent to call up amendment 3610.

The PRESIDING OFFICER. Is there objection to the Senator calling up his amendment? Without objection, it is so ordered.

AMENDMENT NO. 3610

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. ALLEN], for himself and Mr. WARNER, proposes an amendment numbered 3610.

Mr. ALLEN. 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 direct the Director of the Federal Emergency Management Agency to conduct an investigation of the Shockoe Creek drain field in Richmond, Virginia, to determine means of preventing future damage from floods and other natural disasters)

At the appropriate place, insert the following:

SEC. ____ INVESTIGATION OF SHOCKOE CREEK DRAIN FIELD, RICHMOND, VIRGINIA.

As soon as practicable after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall conduct an investigation of the Shockoe Creek drain field in Richmond, Virginia, to determine means of preventing future damage in that area from floods and other natural disasters.

Mr. ALLEN. Mr. President, I offer this amendment on behalf of myself and also my colleague, Senator WARNER from Virginia.

This amendment has to do with directing the Director of Federal Emergency Management Agency to conduct an investigation of the Shockoe Creek drain field in Richmond in order to prevent future damage from floods and other natural disasters. This amendment does not call for any additional spending.

Many Members may not be aware that, less than a week ago, remnants of Tropical Storm Gaston pounded the

Richmond area with rain and flooded many areas, leaving eight people dead. This storm dumped more than a foot of rain on the Shockoe Bottom area of Richmond, the oldest historic part of Richmond. The flood waters rose about 8 feet in 15 to 20 minutes, finally leaving about 20 blocks of the low lying bottom swamped in up to 10 feet of muddy runoff.

In this area of very old brick buildings, most thought they were protected from the James River flooding by a flood wall. What actually happened was the rising waters came from the land side down Church Street, as opposed from the river side and flooded this whole Shockoe Valley watershed.

I was there Monday and saw these business owners who were trying to shovel and take out buckets of mud and disinfecting their shops. It is a lot of work. At least 150 families had to leave homes that were declared uninhabitable. The floods destroyed over 35 various small businesses that had invested and renovated a lot of the old historic structures. There were 25 restaurants out of business that are going to have to clean up and disinfect and will need health certificates to reopen. Dozens and dozens of businesses are condemned, most of them condemned because of wrecked electrical systems. Actually, several buildings were even demolished. It will take a great deal of work, a great deal of patience, and a great deal of risk-taking for this wonderful historical area that had been recently renovated and rejuvenated to actually come back to life again.

Most of the people, all but one, did not have flood insurance because the insurance folks and the lenders all figured with a flood wall you do not have to worry. One in particular, Sosie Hublitz, owner of the Kitchen Table, had to shut down because of the terrible flooding at her restaurant. All her life savings went into opening the business, plus \$200,000 in loans. She still owes half of that and is worried about getting deeper in debt. Hublitz didn't have flood insurance.

So there will be added costs. I am sure the insurers and the lenders will have added concerns before future investments can be made.

The most encouraging aspect was the spirit of the people in this painstaking process, as tedious and tough as it is to be cleaning all that mud out, worrying about the mold and the bacteria, yet they still have a great spirit.

These folks were concerned about such an act occurring again, with so much rain falling that quickly. This Shockoe area has a drainage system designed to prevent this problem. In the 1920s, a 27-foot culvert was put in underground to replace Shockoe Creek. Obviously that did not do the job in 2004.

The point of all of this is to help out these folks in this natural basin, this historical basin, for one of the oldest cities in the United States, to see if this is an adequate drainage system in

the likelihood that such rainfall would occur again. Sometimes when there are floods—and we see this same thing in the mountain areas—after there is a flood, the river beds end up being so filled with rocks and debris that it takes less rain the next time for those rivers or those creeks to leave their banks.

One of the things we really must do, and it makes a great deal of sense to me, is to determine whether this 27-foot culvert that conducts the water from the Shockoe Valley into the James River a few hundred yards to the south actually is sufficiently adequate for that area. It does serve as a stormwater drain. It has worked well since the 1920s. Clearly, attention should be focused on this culvert and the basin drainage system.

The people have amazing spirit. They will keep fighting. But it is important not only to help them—and the Small Business Administration is doing a great job, as is FEMA and all the folks at the local and State level—but beyond making sure they clean up and disinfect and get back on their feet and get their businesses back running, we think it is very important that we direct steps toward preventing any future tragedies or disasters. I'm sure the Corps of Engineers will undoubtedly be involved when FEMA coordinates this effort.

We have introduced this amendment, Senator WARNER and myself, directing FEMA to conduct an investigation in the Shockoe drain field to prevent future damage from flood and natural disasters. This is a very logical, appropriate way to plan for the future and prevent such damage and all the costs of repair.

I thank my colleagues for listening. I thank my colleagues for also passing the supplemental for FEMA earlier this week which will also help the Small Business Administration take care of those not only in Florida but also Virginia and others who have been harmed by these disastrous floods and storms.

I urge my colleagues to support this amendment. The people of Virginia will appreciate it. I know the folks at FEMA will also do the right job in the analysis of the Shockoe Valley.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. COCHRAN. Mr. President, I commend the distinguished Senator for his explanation of his bill and for his initiative in calling attention to the needs of the area of his State in need of special attention from Federal agencies, particularly designing some way to help make sure this kind of disaster does not occur—if it is possible to do that—with engineering changes or other mitigation efforts, particularly in the Richmond area which was so seriously devastated and damaged recently by flooding.

We think the Senator has a good suggestion and we are willing to recommend the Senate adopt this amendment on a voice vote.

The PRESIDING OFFICER. The Senator from Virginia had requested the yeas and nays; does he wish to withdraw that request?

Mr. ALLEN. I am happy for it to be passed on a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. COCHRAN. Mr. President, I have been advised that the other side wants to look at the amendment. I am happy for anyone who wants to look at the amendment to look at it. It was very coherently explained by the Senator from Virginia.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. COCHRAN. Mr. President, I have been advised that the other side wants to look at the amendment. I am happy for anyone who wants to look at the amendment to look at it. It was very coherently explained by the Senator from Virginia.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE TRAGEDY AND ATROCITIES THAT OCCURRED
IN BESLAN, RUSSIA

Mr. TALENT. Mr. President, I believe it is safe to say that later on in the evening the Senate will consider and I am certain approve a resolution of support and solidarity with the Russian people over their recent tragedy and atrocities that have occurred in Beslan. I am privileged to have the opportunity to cosponsor that resolution, and I congratulate the leaders on both sides of the aisle because I believe it will be cleared.

I know it is not the desire of the chairman that we have a lengthy debate on it, and I certainly understand that.

All of our hearts break at what happened, and although we have seen terrorists at low points before, to hold hundreds of children hostage for days, to deprive them of food and water, to terrorize them, to ignore their pleas for mercy, to shoot them in the back when they are trying to escape when it can achieve no possible end, is a level of depravity I do not believe I ever witnessed in my lifetime.

Like all who watched the horrific coverage of the school hostage situation in Russia last week, I was shocked by the images of frightened children and their parents inside the gymnasium of School Number One, surrounded by several hooded hostage-takers and plastic explosives hanging from basketball hoops. On September 1, more than 1,100 parents, students, and

teachers who had gathered for the first day of school were taken hostage by approximately 30 terrorists who had rigged the school with explosives. On September 3, Russian troops and the Beslan hostage-takers exchanged gun fire, a bomb exploded collapsing the roof of the school, the terrorists began killing the hostages, and massive loss of life ensued. This horrendous terrorist action left at least 335 people dead, many of them children, as well as hundreds more severely wounded and over 200 unaccounted for, who are most likely dead.

I join my colleagues, Senators DASCHLE, FRIST and SANTORUM, in condemning this despicable terrorist act and in expressing our condolences to the Russian people and in particular to those families who lost their loved ones in the Beslan school tragedy. We commend the continuing efforts of the U.S. Government in providing humanitarian and medical assistance to the people of the Russian Federation.

The terror last week at the school in Beslan is the same face of evil we saw in the U.S. on September 11. The terrorists held children, parents and teachers hostage for more than 2 days without food, water or medicine. Without conscience or mercy, the terrorists shot children in their backs as they fled for safety. These killers seek to terrorize the entire civilized world. They have no regard for human life, even the lives of children. Today, America stands together with the Russian people more resolved than ever to win the war against terrorism.

I know the Senate will vote unanimously for the resolution. I am confident that because of incidents such as this in Beslan and around the world, Americans and civilized people everywhere will draw increased resolution to lead and win the war against terrorism that has really become a war of civilization against barbarians, like those who committed these atrocities.

I thank the Senate for giving me a moment to give my remarks.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SCHUMER. I ask unanimous consent that the Allen amendment be laid aside temporarily.

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

AMENDMENT NO. 3615

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from New York [Mr. SCHUMER], for himself, Mrs. CLINTON, and Mr. CORZINE, proposes an amendment numbered 3615.

Mr. SCHUMER. 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 appropriate \$100,000,000 to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses)

On page 13, between lines 18 and 19, insert the following:

GROUND TRANSPORTATION

For necessary expenses of the Transportation Security Administration to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses, \$100,000,000.

On page 2, line 17, strike \$245,579,000 and insert "\$175,579,000".

Mr. SCHUMER. Mr. President, this amendment, which I am told, for my colleagues' benefit, will not be voted on tonight but will be voted on at some point late Monday afternoon, is a very important amendment. It deals with truck security.

As we go forward in the war on terrorism, we learn more and more. One of the things we have learned only in the last 6 months is that the preferred method of destruction of al-Qaida is truck bombs. They have used these bombs in the past, but we were given a new sense of urgency about al-Qaida's use of truck bombs from intelligence that has been picked up in the last 6 months and subsequently made public.

Truck bombs, unfortunately, can create tremendous destruction. We saw that in Oklahoma City. At the same time they are very easy to put together. Ammonium nitrate, which can easily be made into an explosive device, is readily available. Then all you need is a truck filled with ammonium nitrate or some other kind of hazardous material and that truck can cause huge amounts of destruction.

In our brave new post-9/11 world, we have to guard against all forms of terrorism. It is not sufficient to say because on 9/11 the terrorists struck through the air that we can ignore other ways they might seek to hurt us. That means we have to tighten security at the ports and on the rails. It also means we have to look at truck security. Unfortunately, probably of all the areas where terrorists might hurt us, we are doing the least in terms of truck security. We pay some lip service to it, but I am not aware of very much the Department of Homeland Security is doing at all in terms of defending us against truck security.

One may ask: What can be done? For one thing, we can put some limitation on how ammonium nitrate, especially in large amounts, is distributed. That is not the purpose of this amendment. I might be introducing further legislation in that regard. But second, we can be much more careful about trucks, particularly trucks that carry hazardous materials.

Let me say that right now we do virtually nothing. Only a few months ago,

a truck with hazardous material was found missing in Pennsauken, NJ, neighboring the State of New York. They still haven't found the truck. Perhaps the truck was lost. Perhaps more likely it was stolen. But God forbid someone who might be part of a terrorist organization took that truck and is lying in wait to do something that would be terrible and despicable.

Of course, we know a truck bomb struck the people in Oklahoma. It was used by McVeigh. This is not something we are unaware of. Truck bombs have been used by al-Qaida in other parts of the world. Again, I underscore the fact that trucks are sort of the preferred method of terrorism for al-Qaida.

We have lots of these trucks available in America. According to the 1997 Census of Interstate Commerce, 740,000 hazardous material shipments travel each day by truck in America. In the United States, 50,000 trips are made each day by gasoline tankers, many of which hold as much fuel as a Boeing 757. They often end with a late-night delivery to a deserted gas station. Experts say that trucks carrying chemicals such as ammonium nitrate, chlorine, or cyanide form even a more deadly risk. Imagine if al-Qaida or another terrorist organization took 10 of these trucks, parked them near a large, tall building in 10 of our largest cities and exploded them all at once, something that would hardly be inconceivable right now. The amount of lives lost might even, God forbid, exceed those lost on 9/11, and fear would descend across this country.

We have to be doing more. In December of 2002, almost 2 years or more than a year and a half ago, I called on Federal officials to rectify this problem. The first thing that I asked be done is that background checks for truck drivers certified to carry hazardous materials be undertaken. The TSA announced it would do so on May 2, 2003, 5 months later. But despite this progress, much more work needs to be done. There are two particular areas that we think greatly need improvement. Those are the things we are asking for tonight.

The first is tracking technology for trucks. It is very easy. You can buy a car and pay a couple hundred bucks more and have a GPS system which tells exactly where the vehicle is. Wouldn't it make sense that every truck carrying hazardous material was required to have such a GPS system? That would mean if the truck were stolen, if the truck were taken to a far different location than where it should be and the company wished to find out where it was, we could find it in a minute.

Ironically, a country far less developed than ours requires this for all its trucks—Brazil. There is a GPS system on every one of its trucks. In fact, the companies that do it there do it not to combat terrorism but, rather, to deal with theft. They actually make money.

The point is this is feasible. It works. It is simple. It is hardly pie in the sky. It probably costs about \$200 to install in each truck. I would be happy, if once TSA started implementing this for individual truck drivers who might feel that \$200 is too much, even though a rig costs much more than 100 times that, to have the Federal Government pay, although we don't provide that in our legislation. We do require that any truck carrying hazardous material have a GPS system installed. There are many companies that want to put this in place but are waiting until Government rules are in place. Thus far there are no Government rules.

Second, there ought to be a HAZMAT database. Just as we plot the path of thousands of planes in general aviation and commercial aviation and where they go and we know that if they are off course, something is awry and our air traffic control system deals with that, we should do the same for hazardous materials.

The bottom line is, any truck with a hazardous material would simply file a little plan as to where it was going and what deliveries it was making. And then again, if the truck was stolen or went off course, we would know. In Brazil they have a system when the truck goes too far off course, the truck stalls and can't be driven.

We could actually do that here and the money that we are providing would be within the ambit of the Homeland Security Department to do just that. But with this database, if a truck carrying hazardous material would be off course, we would know, and there would be a much greater chance that some kind of action could be taken before the truck was used for terrorism.

As for the background checks of those certified to carry hazardous materials, again, I have been pushing the TSA to do this. They have said they are going to do it. They have delayed it several times, and they have not completed doing it yet. But we urge them to do that as well.

The hour is late. I don't want to hold up you or the President of the Senate or other colleagues. People will have the weekend to read this legislation. Again, it is a rather small amount of money, \$100 million. We do offset it. We take money from the human resources account—the same \$100 million—so this doesn't increase costs. The bottom line is very simple: On truck security, a lot more must be done.

The amendment I have will help move us in that direction. This is a danger that we face in this country, which we have done virtually nothing about, and we could be moving, for a rather small amount of money, toward making ourselves far more secure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. We appreciate the Senator from New York bringing this to the attention of the Senate. We know there is a tracking system in ef-

fect—but we are not sure it is as inclusive as he suggests we need it to be—for trucks that carry hazardous material. They try to keep up with that. They have a system in place. We are glad to have the chance to review this suggestion, and we will do that and hope the Senate will withhold action on this amendment tonight, and we can call it up tomorrow, or later, whatever the leaders end up deciding we will do in terms of further action on this bill.

We are at a point where I think we are close to winding up the action on this bill today. We have had a full day of activity. A number of amendments have been presented and voted on. We appreciate the cooperation of all Senators in letting us know the identity of the amendments that were to be offered. We are going to continue to work hard to get this bill finished by sometime on Tuesday of next week. That is our goal, and I think we will be able to achieve that goal.

One item we hope to be able to clear has been presented to the Senate by the Senator from Virginia, Mr. ALLEN, related to a survey in the State of Virginia on a mitigation issue surrounding flooding in the Richmond area. It is my hope that we will be able to get that passed, if we can, by a voice vote tonight, and then maybe go out if there is no further business.

I yield to my friend from Nevada.

AMENDMENT NO. 3610

Mr. REID. Mr. President, it is my understanding that the leadership wants the Schumer amendment to be one of the votes we are going to have Monday evening. Also, it is my understanding, having spoken to the manager of the bill and his staff, that the Federal Emergency Management Agency and the Office of Management and Budget have reviewed amendment No. 3610, offered by the Senator from Virginia, and they have both said that the Federal Emergency Management Agency would be in a position to conduct an investigation of this creek drainfield in Richmond, VA; and this has been signed off on by FEMA, as I have indicated, and also by the OMB.

That being the case, even though on our side maybe there are people who think this is not something that is normally done, if FEMA and OMB signed off on it, which they have, we would be wasting the Senate's time by having a vote on it. That having been said, I say there is no further debate on this side.

Mr. COCHRAN. Mr. President, I ask that we agree to the Allen amendment on a voice vote.

The PRESIDING OFFICER. Without objection, the amendment will be made pending.

Without objection, the amendment is agreed to.

The amendment (No. 3610) was agreed to.

Mr. ALLEN. 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.

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

Mr. COCHRAN. I am happy to do that.

Mr. SCHUMER. Can we agree that my amendment will be voted on on Monday afternoon when we resume voting?

Mr. COCHRAN. I think that is the understanding.

Mr. REID. Through the Chair to the Senator from New York, as I indicated, members of the leadership are lining up votes for Monday and, in all likelihood, the Senator's would be the first vote. We don't have a unanimous consent agreement to that effect but—

Mr. COCHRAN. That is consistent with my understanding of the schedule as well.

Mr. SCHUMER. Thank you.

Mr. REID. Mr. President, we have done about all we can do tonight. That is my understanding. I say to the manager of the bill that tomorrow, it is my understanding, there is an amendment to be offered by the majority. I cannot remember by what Senator, but someone told me about it.

Mr. COCHRAN. Mr. President, the distinguished majority leader, Senator FRIST, intends to offer an amendment tomorrow morning. So we will have that before the Senate.

Mr. REID. On this side, Senator CORZINE is willing to offer an amendment, Senator LAUTENBERG is willing to offer one, and maybe the distinguished Democratic leader will be ready to offer one. Whenever we come in, there will be opportunities to offer these amendments. It is my understanding that the Senate is not going to stay until a late hour. If those amendments are offered, we will have plenty to do Monday night, unless there is some agreement on amendments.

Mr. COCHRAN. Mr. President, I think this is a good plan. The Senate has done good work today. I think the outline the Senator from Nevada has given us is a thoughtful way to handle the bill. We will be here tomorrow morning and continue to make progress on the bill. We will be ready to cooperate with all Senators to the fullest extent possible.

Mr. SCHUMER. Will the minority whip yield for a question?

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

Mr. SCHUMER. I didn't hear exactly what has been said about the plan. There was another amendment Senator CLINTON and I were going to offer. I was going to cover it this evening, but she could not be here because of the illness of her husband.

Mr. REID. I say to the Senator, there will be an opportunity to offer other amendments next week. He is on the list.

Mr. SCHUMER. Thank you, Mr. President.

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

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

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there now be a period for morning business for debate only, with Senators speaking for up to 10 minutes each.

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

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

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

GARRETT LEE SMITH MEMORIAL ACT

Mr. SMITH. Mr. President, I ask unanimous consent that the Chair now lay before the Senate the House measure to accompany S. 2634, the Garrett Lee Smith Memorial Act.

There being no objection, the Presiding Officer (Mr. CHAMBLISS) laid before the Senate the following message from the House of Representatives:

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I ask whether there be objection to proceeding to the measure at this time.

The PRESIDING OFFICER. The message is before the Senate.

Mr. SMITH. I ask, then, unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

Mr. SMITH. Mr. President, this is a much happier day for me than it was 1 year ago. A year ago yesterday, my son, Garrett Lee Smith, took his life. Today it is his birthday, and today my heart is not filled with sadness but with joy because the Congress of the United States has acted with near unanimity, an overwhelming vote in the House of Representatives, Republicans and Democrats alike, and for a second time now the Senate, without objection, 100 strong, Republican and Democrat alike, has acted not as partisans but as Americans on an issue that afflicts families all over our land, the issue of mental health, of depression among our youth that often, too often, even at epidemic levels, can lead to suicide.

This has been for me a very long and difficult year. I am grateful for the support of family and friends and, especially here now, my colleagues. I had many thoughts in mind when this occurred because I was raised to believe that no success can compensate for failure in one's home. And when my son took his life, I felt the ultimate failure. Yet I have come to learn from colleagues, some of them, like the leader, medical experts, others like MIKE DEWINE, who has suffered much in his family through the loss of a daughter; PETE DOMENICI, who has helped me to understand the lethal nature of mental illnesses, and so many more.

I have been buoyed up and strengthened sufficient to carry on my public responsibility and try to find from the loss of my son some new meaning in his life. Today the Congress has acted on his birthday. My wife Sharon and I are profoundly thankful to all of you. What we have done today is to pass a bill that will enable the States, encourage the States, incentivize the States to have youth suicide prevention programs to, with parental permission, give testing to identify, under the strictest of privacy, those children who may have a predisposition toward depression and suicide.

We have given the incentive to the States to set up college backstops, counseling, intervention measures, to help where this epidemic is most acutely felt, and that is on American college campuses. We are setting up a national repository of information through SAMSHA, where the best ideas from the 50 laboratories that are the 50 United States can be brought together and shared so intervention can be more effectively made to save more of America's sons and daughters.

When this bill left the Senate, I thought it was in perfect form. But I learned something about a bicameral legislature in working with my colleagues in the House. They made it better. They had many good suggestions. And I feel it appropriate to say that while some I am entirely in agreement with and others I would have preferred not be there, I support the bill as it has come from the House of Representatives.

I owe a great deal of thanks to some specific individuals. If you will bear with me, Mr. President, I would like to thank some of them and also note for those colleagues who may be concerned about parental notification precedence that the House was willing to put in there provisions that this tougher parental notification is applicable just to this bill and in no way affects No Child Left Behind legislation.

I need to say thank you to some very significant people without whom this bill would not have passed. First, I want to thank Chairman JOE BARTON, the Congressman from Texas, who chairs the House Commerce Committee. I say to all the world, and particularly his constituents, he is a man of his word. He had tremendous pres-

sure on him not to proceed with this, but he gave me his word. He is good for it. He worked with me. He demanded much of me. We gave much. But under considerable pressure he stood up against it and made this to pass.

To Speaker HASTERT and Leader DELAY, thank you for your permission, thank you for making this happen, allowing it to happen, and also being good to the commitments that were made to me and other colleagues and to the White House.

I thank my House sponsors, Congressman BART GORDON of Tennessee, Coach TOM OSBORNE of Nebraska. Coach OSBORNE knows something of young people and their struggles. He was wonderful to work with. DANNY DAVIS, of Illinois, spoke eloquently about this bill on the Senate floor last evening. My own Congressman, GREG WALDEN, who helped to shuttle this through the House, I am profoundly thankful to him. I also note EARL BLUMENAUER and PATRICK KENNEDY of Rhode Island were particularly helpful to me in passing this legislation. I am grateful to them.

Senator SANTORUM—they call him a Pope over there—is regarded in very exalted terms and a term of affection. He was unusually helpful in helping me to make my way through the House membership and to get this passed.

Leader FRIST, this would not happen without you. At every turn you have been there for me and helped me to get through this year. JUDD GREGG, the chairman of our committee, with jurisdiction, was wonderful to make this possible and happen in the Senate. MITCH MCCONNELL, your staff, Leader FRIST's staff, were very helpful. They went the extra mile back and forth from the House to Senate Chambers time and again for me. I thank the staffs of all of these people who worked so hard.

Senator DODD and Senator KENNEDY have been unusual champions of this issue, and issues of mental health. They have been wonderful guides. Senator JACK REED of Rhode Island helped to author a major provision.

HARRY REID, the Democratic whip, has been a stalwart and counseled me to take this and do that. I say to him, thank you, sir, for your help and your understanding of the issue of suicide.

I thank Leader DASCHLE as well because without his understanding that this was not partisan this would not have happened. I am grateful to Leader DASCHLE.

I mentioned MIKE DEWINE. MIKE is behind me and will speak to this issue. If you could package goodness in human form, it would look like MIKE DEWINE.

I think most significantly for me has been the woman who sits to my right, Catherine Finley, who is a person of talent, tenacity, and temperament sufficient to take a stand-alone bill, in a very short period of time, pass it through the Senate, the House, and back through the Senate again. I am