

I am very committed to my work in the Senate. I am very committed to doing my utmost best for the people of the State of Alaska. These two pieces of legislation we were prepared to take up this morning and that we were thwarted in our efforts to move forward are very important to Alaskans. They do make a difference in how we move forward with our lands.

Put your State in this position. If you do not have the ability to move forward with your lands, if you do not even know what the status of your land title is, how complicated the future is for your State. We need to get these issues resolved.

All I ask for is the ability to do my job, and my job, as we all know, requires a cooperative process. We cannot move legislation through this body if we do not have cooperation, and cooperation begins at that very beginning level, working through the committees, as we have with both of these legislations. It then moves forward to that next step—to move the legislation through the committee—so we can move it to the floor.

I am happy to engage in debate on the merits. If you do not like the amendments, if you think they can be made better, wonderful, let's make it happen, but let's at least allow the process to work. When we fail, when we as Senators abdicate the duty and say, Alaska, or whatever State, you are on your own, nothing is going to move forward, we are not doing our job.

I know this is a contentious time. We are in the middle of all the hot political debates. I am a Senator who is standing for election now. We know that causes interesting things to happen within the process. But I would certainly like to think that what we do here in the course of our work should not harm our constituents. We ought to be able to do the business that needs to be done in a cooperative manner.

I am very hopeful we will be able to move forward with not only these bills and hopefully see them on the floor of this body, but other legislation that pertains to all of us. We all come to this body with our very unique issues. They are very particular to our home States. I ask that we all respect one another in our efforts to accomplish those things that are truly very local to our States.

So I look forward to next week and an opportunity to again bring forward very important issues for my State.

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

**THE PRESIDING OFFICER** (Mr. CORNYN). Without objection, it is so ordered.

## HOMELAND SECURITY APPROPRIATIONS

**MR. FEINGOLD.** Mr. President, I want to add my thoughts to the debate on the Department of Homeland Security appropriations bill for fiscal year 2005.

First, I want to preface my remarks by thanking the chairman and ranking member of the Homeland Security Appropriations Subcommittee for working so diligently on this bill despite the constraints they have faced. The fight against terrorism is our number one priority, and this appropriations bill is a key component in that fight.

I also thank the Nation's first responders and the employees of the Department of Homeland Security, DHS, who work daily to protect this Nation. They are on the front lines of the fight against terrorism. They are the ones who are called on to stop and respond to any future attack upon our Nation. This bill includes important resources these brave men and women need to perform their critical tasks.

The Senate bill is a vast improvement over the President's proposed budget. It increases funding for such important things as port security, FIRE Act grants, Federal air marshals, Emergency Management Performance Grants, and the SAFER program. The Senate bill also includes funding for research and development on next generation explosive detection equipment, a priority identified by the 9/11 Commission. These are just a few examples of the many areas where the Senate bill is far superior to the administration's request.

I was also pleased that the Senate bill includes a number of amendments I sponsored. The Senate adopted my amendment requiring DHS to create a strategic transportation security plan and to base future transportation security budgets on that plan. This amendment will make sure that taxpayer dollars are spent efficiently and effectively to meet our Nation's most pressing transportation security needs, rather than the current well-intended but ad hoc method of spending. This amendment was based on one of the recommendations of the 9/11 Commission and, it is one of the first of the Commission's recommendations to be adopted by the Senate.

The Senate also adopted my amendment to extend to the Department of Homeland Security for fiscal year 2005 a provision included in the fiscal year 2004 omnibus appropriations law that requires all departments and agencies to report to Congress on purchases of foreign-made goods. It is important that the government make every effort to purchase American-made goods and that it explain to the public whenever it fails to do so.

I was also pleased that the Senate adopted my amendment requiring the Department of Homeland Security to report to Congress on its use of data-mining in fiscal year 2005. This amendment will provide the American people

with critical information about the use of data-mining technology and the way highly personal information, like credit reports, travel records and other personal information, is obtained and used by our government. Periodically, after millions of dollars have been spent, we learn about a new data-mining program under development by the Federal Government. This amendment will not stop any data-mining. It simply requires the Department of Homeland Security to report to Congress on any data-mining programs it is using or developing and how these programs implicate the civil liberties and privacy of all Americans. With complete information, the American people will be able to make considered judgments about which programs should and should not go forward.

Although this bill does a lot to help protect this Nation, including providing much-needed resources for our first responders, it does not do enough. I was disappointed that many good amendments were not adopted by the Senate. For example, an amendment offered by Senator BYRD, which I cosponsored, would have canceled purchases of oil to the Strategic Petroleum Reserve and directed the \$470 million in savings to critical homeland security needs. Yet the Senate rejected this amendment even though it would have helped to ease gas prices by freeing more oil for the market and provided important funding for our homeland security programs.

I also regret that this bill was so severely limited by a budget allocation that did not provide adequate funding for homeland security, choosing instead to make tax cuts its highest priority. That is why I supported several amendments that would have added funding for critical security needs. I want to point out to my colleagues that I do not take lightly my decision to vote in favor of spending more money. Fiscal responsibility is one of my highest priorities and I constantly look for ways to limit government spending. I am honored that the Concord Coalition and others have recognized me for my efforts in this regard. Although fiscal responsibility remains one of my top priorities, it is imperative that we provide the resources needed to combat terrorism.

I voted for this bill because it provides necessary funding. However, our Nation's vulnerabilities demand more, and I will continue to work to ensure that our vital homeland security needs are met.

## INTELLIGENCE REFORM

**MR. KENNEDY.** Mr. President, last night, the Republican majority in the Senate voted 49-45 to table an amendment I offered on intelligence reform. The amendment would have required the President to give Congress a copy of the 2001 report by the Scowcroft Commission on intelligence reform. A classified annex could be provided if necessary.

In May 2001, before 9/11, President Bush ordered a review of U.S. intelligence, and General Brent Scowcroft was named to lead a commission to provide recommendations.

The report of the Scowcroft Commission was submitted to the White House in December 2001, three months after 9/11, but it continues to be classified, despite repeated requests from Congress to release it.

The 9/11 Commissioners had full access to the Scowcroft recommendations as background for their work, and the final report from the commission drew significantly from the recommendations.

Clearly, before we act on intelligence reform later this month, Congress should also have the benefit of General Scowcroft's recommendations.

But the Republican majority blocked it. They rallied behind the President and argued that the report could not be provided because of what they called "executive privilege." Frankly, that's ridiculous.

The White House did not invoke executive privilege when they gave the 9/11 Commission full access to the Scowcroft report. They did not invoke executive privilege when they allowed National Security Advisor Condoleezza Rice to testify before the 9/11 Commission.

In these cases, the administration concluded that the benefit of protecting the Nation's security outweighed other considerations about privileged information. It should have done the same in this case.

Secretary Rumsfeld told the Senate Armed Services Committee that he could not see any reason why the Scowcroft report should not be declassified. Our colleague Senator ROBERTS, chairman of the Intelligence Committee, and our colleague Senator WARNER, chairman of the Armed Services Committee, have requested the report, but it still has not been made available.

There is no compelling reason to keep this information classified. What are the White House and the Republicans in the Senate trying to protect? The Nation's security? Hardly. They are trying to protect President Bush. Why? Because President Bush had General Scowcroft's recommendations on intelligence reform for nearly 3 years and failed to act on them.

Congress needs the report, and we deserve to have it before we act on intelligence reform. We are talking about our national security, and President Bush is playing politics by stonewalling us. It is already clear that the administration sat on the Scowcroft recommendations for 3 years, and the Nation has obviously suffered because of it. Had the reforms been implemented, we very well may have known that there were no weapons of mass destruction in Iraq.

Congress and the American people deserve to know how much greater progress we could have made in the war

on terrorism if President Bush had not buried the Scowcroft recommendations and allowed them to collect dust on a shelf at the White House.

#### VOTE EXPLANATION

Mr. NELSON of Florida. Mr. President, I was unavoidably detained during rollcall vote No. 178 on Senate amendment No. 3632 to H.R. 4567, the Department of Homeland Security appropriations bill. If present I would have voted "aye," in favor of the motion to waive the Budget Act. It would not have changed the outcome of the vote.

#### BYRD AMENDMENT NO. 3649

Mr. ROCKEFELLER. Mr. President, I am proud to cosponsor and to speak in support of the amendment offered yesterday 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. NICKLES. Mr. President, yesterday the Senate completed action of the second of 13 appropriations bills for fiscal year 2005, the Department of Homeland Security appropriations bill.

Although the Senate has not yet adopted a new concurrent resolution on the budget, we did establish a discretionary spending allocation for the Appropriations Committee in the recently enacted Department of Defense appropriations bill. That allocation, and the subcommittee allocations that were derived from it, enabled us to consider the Homeland appropriations bill under the usual budget enforcement protections.

During debate on the Homeland appropriations bill, a total of 10 budget points of order were raised against amendments that sought to increase spending by an incredible \$19.9 billion in 2005 alone. If those amendments had been enacted and incorporated into the discretionary spending baseline, their 10-year cost is a staggering \$220.2 billion. Including debt service costs, that number increases to \$285.3 billion.

I am happy to inform my colleagues that the Senate upheld all 10 budget points of order and rejected each one of these spending increases.

Unfortunately, the Senate did adopt an amendment providing \$2.98 billion in emergency spending for agriculture disaster assistance. I opposed that amendment because it did not belong on this appropriations bill, and it

should be paid for and not add to the deficit. I want my colleagues to know that I will continue to seek to have this spending dropped from the bill or offset with appropriate spending cuts.

I congratulate my good friend from Mississippi, Senator COCHRAN, who managed the Homeland appropriations bill for using the Budget Act successfully to control the spending in his bill. I look forward to working with my colleagues on the remaining appropriations bills to continue that success.

I ask unanimous consent that a table displaying the budget points of order raised during consideration of the Department of Homeland Security appropriations bill for fiscal year 2005 and their cost be inserted in the RECORD.

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

TEN-YEAR COST OF DEMOCRATIC AMENDMENTS TO THE  
FISCAL YEAR 2005 HOMELAND SECURITY APPROPRIATIONS  
BILL DEFEATED BY BUDGET POINTS OF ORDER  
(Budget authority, in billions of dollars)

Amendment <sup>a</sup>	PoO <sup>b</sup>	2005	2005–14
3580—Schumer—Port security R&D grants ..	302(f)	0.2	1.7
3596—Murray—Port security .....	302(f)	0.3	3.3
3597—Byrd—Misc. homeland programs .....	302(f)	2.0	22.1
3604—Dodd—First responders .....	302(f)	15.8	175.2
3617—Lautenberg—Coast Guard .....	302(f)	0.1	1.1
3624—Mikulski—Firefighter assistance grants .....	302(f)	0.2	1.7
3632—Clinton—High threat area funding increase .....	302(f)	0.6	6.9
3649—Byrd—TSA and SPR .....	501(b)	0.0	0.5
3655—Schumer—Border security .....	302(f)	0.4	3.9
3656—Schumer—Rail security .....	302(f)	0.4	3.9
Subtotal .....		19.9	220.2
Interest on amendments <sup>c</sup> .....		0.0	65.2
Total including interest .....		19.9	285.3

<sup>a</sup> The increases in spending in several of these amendments may be for very similar or identical purposes.

<sup>b</sup> 302(f): Amendment exceeded Homeland Security 302(b) allocation; 501(b): Amendment provided advance appropriations in an account not identified for advance appropriations by the conference report on H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004.

<sup>c</sup> Approximated based on budget authority.

Source: Senate Budget Committee Republican Staff.

#### TRIBUTE TO ERNIE ALLEN OF KENTUCKY

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a friend of over 40 years—a fellow Kentuckian who has had a national impact. It is an honor and a privilege to congratulate my good friend, Ernie Allen, on winning the Henry Clay Distinguished Kentuckian Award from the Kentucky Society of Washington. Ernie's work as President and CEO of the National Center for Missing and Exploited Children makes him a most worthy recipient. As I mentioned, I've known Ernie for over 40 years, dating back to our days at Manual High School in Louisville. On the same day I won election as president of the high school, Ernie was elected president of the junior high school. We both went on to attend the University of Louisville, and were fraternity brothers.

Knowing Ernie so well, I can assure you that his dedication to rescuing missing children runs deep. Over twenty years ago, when I was the Jefferson County Judge-Executive, Ernie was the Director of the Louisville/Jefferson

County Crime Commission. That Commission was the first of its kind to bring police officers and social workers together on behalf of kids. Just one innovation Ernie came up with back then was to make a fingerprint card for as many Kentucky kids as possible, and send that card home to the child's parents to hang on to in the awful event their child ever went missing. A young man on my staff today still has his card, two decades later.

Ernie's work in Kentucky established him as a national leader for his cause as early as 1981. At that time, no nationwide organization existed to share and distribute information on missing children. If a child was abducted and taken over a State line, or even a county line, the chances that law enforcement in the new jurisdiction had all the information necessary to save that child were small. Ernie led the effort to lobby Congress to establish laws so that police could talk to each other across boundaries about missing kids. His work and patience bore fruit in 1984, when President Ronald Reagan signed the bill creating the National Center for Missing and Exploited Children as a public-private partnership.

Under Ernie's leadership, the Center has created the CyberTipline, an online reporting service that former Vice President Al Gore has called "the 911 for the Internet." They created the AMBER Alert System, notifying citizens statewide when a child has been kidnapped. They've worked on over 98,000 cases, and have been involved in the successful recovery of over 83,000 kids. Last year they had an astonishing success rate of 95 percent.

Mr. President, Ernie has labored for 20 years to save children from ghastly fates, and parents from horrible nightmares. It's a heartbreaking job at times. It provides a window into the ugliest parts of the human soul. But thanks to Ernie and the Center, there are a lot of success stories. Last month, a woman in Oklahoma City left her four-month-old baby in the back seat of her running car to pick up her other child from school. When she emerged a minute later, the car was gone. The police issued an AMBER Alert. They quickly tracked down the car and collared the kidnapper. Thankfully, the baby was still safely strapped in his car seat. We can all imagine his mother's relief. Multiply that feeling by 83,000 children saved, and you begin to see the good Ernie and the National Center do.

Twenty years ago, it was literally easier to find a stolen car than a missing child. Now because of Ernie, that is no longer the case. Parents across America owe Ernie thanks for the peace of mind they have every day, knowing that should the unspeakable ever happen, an incredible man is running a fine organization dedicated to rescuing their child. Kentucky, America, and the United States Senate pay tribute to Ernie Allen, and hope he will be on the side of justice and mercy for many years to come.

Mr. President, I ask my colleagues to join me in honoring this American hero whose roots run deep in the Kentucky Bluegrass.

I yield the floor.

#### ALEJANDRO FERNANDEZ

Mr. REID. Mr. President, I rise today to recognize Alejandro Fernandez as one of Mexico's leading musical performers and a strong supporter of philanthropic causes throughout the world.

A Latin Grammy award winner, Mr. Fernandez is among Mexico's most famous balladeers. He has entertained sold-out audiences throughout the world and is performing in Las Vegas today in celebration of Hispanic Heritage Month.

Alejandro's musical talent is hardly surprising. His father, Vicente Fernandez, is a legend in Mexico as the undisputed king of the style of music called "ranchera."

Alejandro Fernandez has contributed tremendously to global music and culture and has also used his fame to support many charitable endeavors. He has worked with the Ronald McDonald House Foundation Charity to support the Hispanic American Commitment to Education Resources scholarship program, the Nation's largest scholarship program for Hispanic students. Mr. Fernandez also has been a strong supporter of World Children's Day, a global fundraising effort that benefits the Ronald McDonald House Foundation Charity and other children's organizations in over 100 countries.

I hope my colleagues will join me in thanking Alejandro Fernandez for sharing his tremendous musical talents with the citizens of Las Vegas today and for his efforts to support charitable programs throughout the world.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On August 18, 2001 in Ithaca, NY, Michael Palahicky, 20, punched a man and called him an anti-gay epithet. He was charged with harassment as a bias crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### FORMER SENATOR BROCK ADAMS

Ms. CANTWELL. Mr. President, last week, Washington State and the Nation lost a dedicated civic servant who