

What is wrong with that picture? This is a decision by President Bush to invade before the inspections were completed, before the U.N. had an opportunity to join us, to invade before the facts were in. The invasion took place and our military did its best. They are the best in the world. They conquered Saddam Hussein, but they left us in a position of vulnerability, with no end in sight. That is the choice facing American voters on November 2.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

Mr. LIEBERMAN. 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.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### NATIONAL INTELLIGENCE REFORM ACT OF 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2845, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2845) to reform the intelligence community and the intelligence and intelligence-related activities of the U.S. Government, and for other purposes.

Pending:

McCain amendment No. 3702, to add title VII of S. 2774, 9/11 Commission Report Implementation Act, related to transportation security.

Wyden amendment No. 3704, to establish an Independent National Security Classification Board in the executive branch.

Collins amendment No. 3705, to provide for homeland security grant coordination and simplification.

#### AMENDMENT NO. 3705

Ms. COLLINS. Mr. President, last evening, on behalf of myself, Senator CARPER, and Senator LIEBERMAN, I offered an amendment to rewrite the formula for the Homeland Security Grant Program. The amendment we brought before the Senate was unanimously reported as a separate bill by the Governmental Affairs Committee.

We should always keep in mind that should there be another terrorist attack on our country, people will be calling 911; they will not be calling the Washington, DC, area code. It is our first responders—our firefighters, our police officers, our emergency medical personnel—who are always on the scene first. We know that from the tragic attacks of 9/11, and, as Secretary Ridge has pointed out many times, homeland security starts with the security of our hometowns. For this reason, we have come together in a bipar-

tisan way, representing large States and small States, to draft the Homeland Security Grant Enhancement Act, and we have offered it as an amendment to this bill. It would streamline and strengthen the assistance we provide to our States, communities, and first responders who protect our homeland.

The underlying Homeland Security Act contains virtually no guidance on how the Department of Homeland Security is to assist State and local governments with their homeland security needs. In fact, the 187-page Homeland Security Act mentions the issue of grants to first responders in but a single paragraph. The decisions on how Federal dollars should be spent or how much money should be allocated to home were left to another day when Congress enacted that important legislation, but it is now time for Congress to finally address this critical issue.

We know that much of the burden for homeland security has fallen on the shoulders of State and local officials across America, those who are truly on the front lines. In crafting the amendment before us, the Governmental Affairs Committee listened first and foremost to our first responders. We held three hearings on this vital topic and negotiated for 2 years to produce the amendment that Senator CARPER, Senator LIEBERMAN, and I are offering. The bipartisan measure was approved by the Governmental Affairs Committee by a 16-to-0 vote, and it currently has 29 cosponsors, including the distinguished Presiding Officer.

There are several groups that are active with first responders who are supporting our legislation. They include the National Governor's Association, Advocates for EMS, National Council of State Legislators, Council of State Governments, the National Association of Counties, the National League of Cities, and the Fraternal Order of Police.

As you can see, Mr. President, our approach has widespread support. It is supported by Senators from big States, such as Michigan and Ohio—and I want to particularly commend the Senators from those States for their hard work on this legislation—and small States, such as my home State of Maine and the State of the Senator from Delaware.

The wide breadth of support demonstrates the balanced approach our amendment takes to homeland security funding. It recognizes that threat-based funding is a critical part of homeland security funding. It does so by almost tripling the homeland security funding awarded based on threat and risk. This has been a particular concern to Senator CLINTON, who has brought this issue before the Senate a couple of times.

The amendment, however, also recognizes that first responders in each and every State are on the front lines and have needs. Therefore, the bill maintains a minimum allocation for each State.

The legislation will also improve the coordination and the administration of homeland security funding by promoting one-stop shopping for homeland security funding opportunities. It establishes a clearinghouse to assist first responders and State and local governments in accessing homeland security grant information and other resources within the new department. This clearinghouse will help improve access to information, coordinate technical assistance for vulnerability and threat assessments, provide information regarding homeland security best practices, and compile information regarding homeland security equipment purchased with Federal funds.

Establishment of these improvements will mean first responders can spend more time training to save lives and less time filling out unnecessary paperwork.

This amendment will establish a fair and balanced approach to allocating this critical funding. I am very pleased to have worked with the Senator from Delaware on this and I yield to him for any comments he might have, unless, of course, the ranking member would like to speak first.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I appreciate the recognition. Senator COLLINS and I have to go a short walk to a meeting, so I take this opportunity and use it briefly to rise in support of the Collins-Carper amendment submitted by the chairman of the committee and the distinguished Senator from Delaware, who worked very hard on this very important topic and area before the 9/11 Commission Report was assigned to the Governmental Affairs Committee.

This is an important addition to the National Intelligence Reform Act, the underlying proposal that came out of our committee last week, because it would help ensure that in these dangerous times the needs of our States and local first responders are met in a reasonable and coordinated way.

In the past 3 years since September 11, beginning on September 11, our first responders and preventers have made real progress in boosting America's preparedness to deal with the threat of terrorism. But as an independent task force of the Council on Foreign Relations found last year: the United States has not reached a sufficient national level of emergency preparedness and remains dangerously unprepared to handle catastrophic attack on American soil—dangerously unprepared. That I take to refer particularly not to the law enforcers, who are the first preventers, but to the capacity of our total response system at the local and State level to respond to a catastrophic attack.

This amendment, unanimously approved by a total nonpartisan vote in our committee, is an important first step in ensuring that our local first responders get the resources they need.

First, this amendment simplifies the existing homeland security grant process by creating an interagency committee to coordinate Federal requirements for homeland security planning and reporting, and it eliminates redundancies. It would establish a clearinghouse to offer local communities one-stop shopping for information on available Federal grants.

Second and most important, this amendment would reform the way homeland security grant money is currently distributed.

In crafting these funding provisions, the committee acted consistent with the recommendation of the 9/11 Commission to significantly increase the amount of homeland security funding distributed based on threats but, the judgment we reached, not to eliminate a minimum amount to go to every State. The reason for that is unfortunately the reality of the terrorist threat and the nature of our terrorist enemies. Yes, they have shown they will strike at visible national symbols, that to some extent they will focus on big cities, but the fact is that anyone who pays attention to the terrorist mode of operating around the world will see what they also do is to strike at unpredictable, undefended, vulnerable targets.

Remember, these people do not hold themselves to any rules of civilized or humane behavior, so they have no hesitancy to put a bomb on a bus occupied by families, men, women, children; to attack a school and wantonly slaughter children, in some cases their teachers. In a reality such as this, gruesome and chilling as it is, the fact is every part of America needs some help from the Federal Government in getting itself prepared to prevent and respond, and that is exactly what this amendment would do.

I continue to believe that this part of our own domestic army of preventers and responders in the war on terrorism is not adequately funded. This amendment does not of itself change that, but it does represent a sensible bipartisan approach and goes a long way to ensuring that whatever funding we do provide—and I hope that number will increase—is allocated in a manner that is best designed to protect all of the American people.

I thank Senator COLLINS and Senator CARPER for the extraordinary work they did on this issue in our committee. Senator CARPER, characteristic of himself, took hold of a complicated problem with difficult political ramifications to it but a real critical national need attached to it and worked very hard to bring about this result, which I feel very strongly deserves the overwhelming support of Members of the Senate.

I thank the chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, before the Senator from Delaware makes his

comments, I ask unanimous consent that the Senator from Minnesota, Mr. COLEMAN, be added as a cosponsor to the underlying bill, S. 2845, and that he also be added as a cosponsor to the pending amendment.

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

Ms. COLLINS. Mr. President, the Senator from Minnesota has been one of our most diligent committee members in attending all of the hearings we held throughout the August recess. He was an active member of the committee throughout the debate on this legislation, and I am very grateful to have his support and cosponsorship.

I say to the Senator from Connecticut that I think along with the cosponsorships we picked up yesterday, this is a sign that as people look at our legislation and learn more about it, it is gaining even more support.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, before the chairman of our committee and Senator LIEBERMAN head for their meeting, I want to say in plain view of everyone how proud I am of the leadership they have provided to our committee. At a time when much of Washington, DC, was taking the month of August off, they made sure that our committee did not. At a time when most Senators were scattered around the world, the country, and back in their own States, they made sure we were here, and not just for any purpose but to participate in a series of excellent hearings.

I believe, and correct me if I am wrong, we have had a total of eight hearings thus far in the last month on this subject, from all kinds of people within the CIA, folks who have been National Security Advisers, Secretaries of Defense, Secretaries of State, Secretaries of Homeland Security. We have heard from the Commissioners themselves, the cochairs of the Commission, and from their senior staff. It has taken me a while to get my arms around these issues. As we finished our markup, I said to both Senator COLLINS and Senator LIEBERMAN that a lot had not been clear to me as we went through the course of those hearings, but as we went through the course of the markup a number of issues, questions that had not been in focus for me, came into focus.

I thank you for providing this extraordinary month and a half for us to prepare to offer this package to our colleagues in the Senate. You have done really good work. We are proud of you.

Mr. LIEBERMAN. Thank you.

Ms. COLLINS. Will the Senator yield on that point?

Mr. CARPER. I am happy to yield.

Ms. COLLINS. I thank the Senator for his generous comments. I know Senator LIEBERMAN joins me in commending the Senator from Delaware for his active participation in our hear-

ings. I believe the Senator from Delaware, as the Senator from Minnesota, made an extraordinary effort to be there, to question the witnesses, and all of us now quote the Senator from Delaware in various places and occasions, in reminding our colleagues that:

The main thing is to keep the main thing the main thing.

Those words have become inexorably linked to the debate on intelligence reform. We thank the Senator for that as well.

Mr. CARPER. Mr. President, the record should show those words should not be directly attributed to me. They are actually the words of a recently departed minister, Methodist minister from our State, Brooks Reynolds, who would have been 89 years old on election day. He used to give the opening prayer at the Delaware General Assembly. We would convene every January. Among the things he would say to all of us who would gather there in Dover in the legislative hall:

The main thing is to keep the main thing the main thing.

With respect to the underlying legislation, we have done a good job of doing that. What we have come up with is legislation that I think is well designed to ensure that key decision-makers—be it the President or the President's Cabinet, those of us who serve in the House and Senate, those who serve in the intelligence communities themselves—that we have the information we need to have, we have it in a timely way, and that we have the information objectively. That will enable us to better protect this country from terrorism in the 21st century. That is the main thing, and I believe the legislation before us today really does help us keep the main thing the main thing.

I wish to say a word or two, if I may today, about the amendment Senator COLLINS and I have offered. It seeks to address the issue of how to allocate funds to first responders, and to also enable the system of distribution that we have to move forward with a little less difficulty, a bit more smoothly, and maybe somewhat more efficiently.

First, I wish to say how much I have enjoyed working with Senator COLLINS. We have worked on it well over a year, and to express thanks to my staff and especially to John Kilvington on my staff for the great work he has done with me and with Senator COLLINS's team.

What we seek to do with this amendment before us today, I say to my colleagues, is to make a series of much needed reforms to the state of the Homeland Security Grant Program. As many of my colleagues are aware, funding under the State Homeland Security Grant Program today is distributed somewhat arbitrarily. Much of the money that is made available for grants each year is distributed on a per capita basis. It is based on a formula that is actually included in the PATRIOT Act.

Some have criticized our current homeland security grant formula saying it shortchanges larger States such as New York that are at the most risk for attack. I agree. No one here, though, disputes the fact that States such as New York and California deserve the biggest share of Federal funds.

But let me say clearly that funding should not be based on population alone. This may come as a surprise to some of you from big States such as Minnesota or Wyoming, but my home State of Delaware is not very big but we still have major vulnerabilities. We have a significant port on the Delaware River, the Port of Wilmington. Through that port, frankly, more bananas come than any other port on the east coast—grapes, Chilean fruit, and steel. Delaware has been known through its history as the chemical capital of the world, home to major companies such as DuPont and Hercules and others. We have a number of plants that dot the landscape. Delaware is a financial center for our country, in downtown Wilmington, DE.

A lot of people go through Delaware. If you do, you probably know I-95 passes through Delaware, one of the busiest highways in the country. Interstate 495 does as well. The Northeast corridor for Amtrak passes through Delaware. Both freight railroads, CSX and Norfolk Southern, two of the busiest railroads in America, pass through Delaware.

To our east, we have the Delaware River, a heavily trafficked river with some cargo, including some hazardous cargo that goes through our States, between our State and New Jersey on that river. On the other side of the Delaware is New Jersey and there is a nuclear powerplant in Summit, NJ. All of these factors tend to make our State a not unattractive target for terrorists.

We need to make sure that whatever we do, we protect States such as Delaware that may not be the most populous but do have real safety and security concerns. I believe—I might be wrong, but I believe with this amendment we have found a way to do that without shortchanging our sister States around the country.

The 9/11 Commission rightly pointed out that the current grant formula simply does not direct the Federal Government's scarce homeland security resources to the States and localities that need it the most. They called on Congress to create a new formula based on an assessment of threats and vulnerabilities that take into account real risk factors such as population density and the presence of critical infrastructure.

Our amendment does just that. The formula we have crafted ensures that the majority of Federal first responders' aid each year goes to the States most vulnerable to attack. In my judgment and the judgment of my colleagues, our cosponsors, the formula is a fair one. It would ensure that big

States such as New York and California and smaller, less populated States such as Delaware, or less populous States such as Wyoming or Minnesota, receive our fair share of Federal homeland security dollars.

Large States will do much better under this formula in the amendment than they do under current law. This is especially true for States with large, densely populated cities or those that are located along an international border. It is my hope that this amendment will also better account for needs in States such as Delaware that have small populations but are located in risky parts of the country and have other significant vulnerabilities.

In addition, our amendment gives the Secretary of Homeland Security the authority to distribute a portion of each year's grant funding directly to large cities such as New York or Washington, DC, where we are gathered today, to help them meet their unique security needs.

We do all of this while preserving the small State minimum set out in current law. This will ensure that small States such as ours will continue to receive the resources they need, that we need, to protect our citizens from potential terrorist attack.

In addition to these important formula changes which have been alluded to by both Senator COLLINS and Senator LIEBERMAN, our amendment makes this Homeland Security Grant Program much more user friendly.

I don't know if our Presiding Officer or my colleague from Minnesota talked to their Governors recently or their mayors. Senator COLEMAN was once a mayor so he could be talking to himself on this one, I suppose. But any of us talking to our Governors or mayors or first responders over the last couple of years know how inefficient this program can be and how frustrating it can be to deal with. Under the current system, anyone seeking a grant is faced with, believe it or not, a 12-step application process—12 steps. Once this process is complete, first responders then have to sit around and wait, sometimes for months, before they see that first dime.

Our amendment dramatically streamlines this process; shortening the 12-step application process to 2 steps, requiring that States pass grant funds down to the local level within 60 days of receipt. Our amendment also ensures that cities and local governments are involved in their State's planning and application process. Our amendment also includes an important provision giving States significant new flexibility to use first responder aid they receive to meet their most pressing security needs.

Under the current system, States are given funding in four categories: No. 1, planning; No. 2, training; No. 3, they can use this money for exercises, and, No. 4, for equipment purchases. The States must spend a certain amount of money in each category, even if their

homeland security plan calls for a different spending plan.

We propose, on the other hand, to give States the ability to apply for a waiver that would allow them to use unspent training money, for example, to purchase needed equipment, if that is where their needs were to lie or, frankly, the converse could be true.

Finally, our amendment creates a one-stop shop within the Department of Homeland Security. That one-stop shop would enable applicants to obtain grant information and other assistance. It also lays the groundwork for future reforms by authorizing a major review of all existing homeland security-related grant programs.

As part of this review, an inter-agency committee will look at planning, will look at application and paperwork requirements in an effort to ensure that the different programs are coordinated and do not impose duplicative requirements on applicants. The committee would then make recommendations for changes aimed not at eliminating programs but at making sure all of those programs work together in a coordinated fashion with as small an administrative burden on applicants as possible.

In conclusion, this amendment is based on bipartisan legislation reported out of the Governmental Affairs Committee unanimously this past June. It is a product of more than a year of debate on that committee about how we could better serve our first responders. The amendment enjoys the support of Democrat and Republican Senators from both large States and from small States, and when we have the opportunity to vote on this amendment, I will certainly urge our colleagues to vote for its adoption.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I want to congratulate my colleague, the Senator from Delaware, for the outstanding work he has done on this amendment and, in fact, as the Senator from Maine noted, his work involved in the series of hearings that we had to allow us to come before this body with a piece of legislation that will make America safer.

If I may reflect first on the process of the underlying bill, we had a series of I believe eight hearings. Sometimes folks say we move too slow in these hallowed halls. There was a concern that in less than 2 months we would come before this body with a bill that provides major restructuring of the way in which we handle the threat of terrorism in this country, that some might say we moved too hastily. But one wouldn't say that if they observed the process.

Within those eight hearings, we had a wellspring of information. We heard from heads of the CIA in the 1970s, 1980s, and 1990s across party lines. I think of that hearing. We talked about the "three wise men" who came before

us. We heard from agents who were active in the field in hearings that were not open to the public in which in fact the names of the agents themselves were still kept confidential. We heard from members of the Commission. We heard from representatives of the families of the victims.

It was for me, relatively new in this body, who served as a mayor, as the Presiding Officer has served as a mayor, and involved in politics at what I call the bottom of the political food chain, a fascinating educational experience. I learned a lot. I think my colleagues, no matter how long they were in this body, learned a lot. We have all learned a lot in the post-September 11, 2001 world.

As a result of what we heard, we come before this body with some needed reform—reform that has broad bipartisan support. I believe the process we used represents the best of what this body is all about, working in a bipartisan way dealing with some difficult issues, issues of life and death, truly life and death, coming to some conclusions, and in the end making America a safer place.

I associate myself with the comments of my colleague from Delaware as he talked about the process because I shared that experience.

I also want to talk about the underlying amendment, the Collins-Lieberman-Carper amendment, again from the perspective of a former locally elected official who appreciates one-stop shopping. When I was dealing with licensing in the city of St. Paul, one of the things we did was set up one-stop shopping so folks didn't have to go to 16 different places to fill out where the application was, what had to be in it, who you had to talk to, and it made a difference. I talked with our consumers. I know because I talked to them. When you are mayor and go down the street, people will grab you by the elbow and tell you about the experience. They appreciated it.

With a matter as complex, as serious, and as profound as dealing with the issue of homeland security in a time when our Nation faces threats of terrorism, we managed in this amendment to do a number of things which I believe are very helpful. We simplified a process. We have taken something that was a 12-step process and made it a 2-step process.

We have accelerated the process requiring States to provide 80 percent for the homeland security resources they receive at the local level within 60 days without moving the money forward. There are needs out there. People deserve to know that the resources are there.

We provided flexibility, targeting the most vulnerable areas, and also making sure that all parts of the country and all States have an opportunity to do what needs to be done to provide a greater measure of safety against the threat of terrorism.

Minnesota is a big State. Wyoming is a big State geographically, but not a

big State in population. Much of the area of Minnesota is rural. Yet within the State of Minnesota, which is a big State but not a highly-populated State, with about 5 million people, we have the Mall of America, probably one of the most frequented tourist places in the United States. Every year 35 million people visit the Mall of America.

We have, of course, the Mississippi River in Minnesota which starts as a little stream right up there in Itasca and becomes the great Mississippi of legend, of Mark Twain, and eventually finds its way to Louisiana and into the gulf.

Along the Mississippi, we have a nuclear powerplant on an Indian reservation, the Prairie Island Reservation right on the Mississippi River in Minnesota. We have Duluth, which is located on Lake Superior, which is the gateway to the Great Lakes and transatlantic shipping.

We have miles and miles of border between Minnesota and Canada, a border that is not heavily populated, that is easily crossed, a border which in certain conditions is pretty tough to police. It is pretty tough up in International Falls where it is minus 28 or 30 degrees Fahrenheit without wind chill. Border agents up there have to learn how to pull a trigger on a pistol when it is very cold. It is not that easy. They have to learn how to use snowmobiles and float planes, and all sorts of things that may not be seen in other parts of the country.

But we face challenges. Obviously, we heard from Delaware, and the Presiding Officer would be on the floor now talking about Wyoming. He would talk about the challenges that are faced there.

This is an amendment that provides the targeting of resources in the areas where clearly there is the greatest threat but provides the needed flexibility so that places such as International Falls in Minnesota or the Mall of America or a nuclear powerplant on the Mississippi River can also be protected.

This is an amendment that is a product of the process I talked about. It has bipartisan support. It has the support of Senators from large States and small States. It is something I believe my colleagues will and should overwhelmingly support.

I am honored to speak on behalf of this amendment and to urge its adoption. In doing so, I truly believe it will make this country a safer place and it will make it easier and make it quicker. It will make it much more practical for folks throughout this country to access the funds they need to provide a greater measure of protection against the threat of terrorism.

Mr. President, I yield the floor.

Mr. CARPER. 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. COLEMAN. 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. COLEMAN. Mr. President, I would like to address two provisions in the underlying bill that were the subject of much debate, much discussion during our hearings on the 9/11 Commission recommendations. One of them had to do with the recommendation as to whether the national intelligence director should serve at the pleasure of the President or should serve a fixed term.

The 9/11 Commission recommended that the national intelligence director serve at the pleasure of the President. Some observers, however, have suggested that making the NID serve a fixed term would help preserve the independence of the national intelligence director. The Collins-Lieberman bill creates a NID who will be appointed by the President, confirmed by the Senate, and who will serve at the pleasure of the President. This is one of those discussions where the words of the Senator from Delaware ring true: the importance of making sure we keep the main thing the main thing.

We had come before us, as I indicated earlier, three former Directors of the Central Intelligence Agency: William Webster, James Woolsey, and Stansfield Turner. Each of them testified that among all the powers of the NID and the variables we needed to consider when deciding whether to create a national intelligence director, the most important quality, the most important variable for the national intelligence director to be effective is to have the support of the President of the United States.

The national intelligence director will be responsible for overseeing a broad range of intelligence functions and operations in this country. His ability to provide that kind of leadership and direction in many ways will be contingent upon having the support of the Commander in Chief, having the support of the President of the United States.

Robert Mueller, who served a 10-year term as FBI Director, testified that the NID should serve at the pleasure of the President. Director Mueller distinguished the FBI, which is expected to be an independent investigative agency, from the office of the NID, which will be responsible for advising the President on intelligence matters, and that advice will be shaping the President's policy decisions. Among the responsibilities of the NID is to be the principal adviser to the President himself.

Some believe that having the NID serve a fixed term could help insulate the national intelligence director from political pressure. However, what it would do is to insulate the national intelligence director from the President. We cannot afford, in these difficult and

challenging times, at a time when America is under the threat of terrorist attack, to have the national intelligence director marginalized by a President who does not trust the national intelligence director.

The national intelligence director will be one of the most powerful individuals in the U.S. Government, and he will be one of the President's closest advisers. As such, the President has to be able to select his own national intelligence director. And all those in the intelligence operations, all those in other branches of Government who are involved in intelligence gathering, intelligence processing, and intelligence formulation of operation need to understand that the national intelligence director has the absolute confidence of the President of the United States.

There are a number of alternative mechanisms to protect the objectivity and the independence of the national intelligence director. But, again, I think it is critically important that the national intelligence director have the support of the President. And those thoughts are not just the thoughts of this Senator, but they were the expressed opinions of three former Directors of the Central Intelligence Agency who came before our committee and the opinion of the current head of the FBI who himself has a 10-year term.

One of the other issues that was the subject of a great deal of discussion and focus was what type of authority the national intelligence director should have to develop and execute the budget for national intelligence. It was said many times, whoever controls the money has the power.

We have made a judgment in this bill to have a strong national intelligence director, a national intelligence director who has the confidence of the President of the United States, but also a national intelligence director who will have control over the development of the budget for the national intelligence program, including the authority to coordinate, prepare, direct, and present to the President the annual budget for the national intelligence program.

This bill gives the NID the authority to manage and oversee the execution of the national intelligence program, including visibility and control over how money is spent. It ensures that the core national intelligence agencies—the CIA, NSA, NSA, NGA, NRO, FBI Office of Intelligence, and the Department of Homeland Security Directorate of Information Analysis and Infrastructure Protection—are entirely within the budgetary authority of the national intelligence director. And it gives the national intelligence director influence over the budgets of intelligence-related activities and organizations that are outside the national intelligence director.

Our approach is consistent with the recommendations of the 9/11 Commission, which said the NID must be given—and I quote—“control over the

purse strings,” including the power to submit a unified budget for national intelligence, to receive the appropriation for national intelligence, and to apportion the funds to the appropriate agencies in line with the budget.

The Commission viewed these budget authorities as absolutely essential to achieve the objectives of intelligence reform. One of the chairs of the Commission, Mr. Hamilton, said:

We would not create the national intelligence director if he or she did not have strong budget authority.

Former Directors of the Central Intelligence Agency who testified before our committee also supported giving the national intelligence director strong budget authority.

William Webster, who was both head of the CIA and the FBI, said:

Control of the budget is essential to effective management of the intelligence community.

James Woolsey, former Director of the CIA, said:

If budget execution authority is given to the [national intelligence director], he will or she will have a much better ability to say to the Secretary of State or the Secretary of Defense, “Look, I sympathize. I understand. I know this fluent Arabic linguist is a very rare asset, but you did not hear me. I really need her or him.”

Again, who controls the money has the power.

As Chairman Hamilton said: The Commission would not have created a national intelligence director if he or she did not have strong budget authority.

Senior officials in the Office of the Director of Central Intelligence also believe that stronger budget authority is needed in order for the national intelligence director to truly be in charge of the intelligence community.

John McLaughlin said the person responsible for the intelligence community should “have full authority to determine, reprogram and execute all funding for the core national intelligence agencies, principally CIA, NSA, the NSA and NRO.”

On and on, the advice the committee received was very clear: If you want to have a strong national intelligence director, you must give him or her strong budget authority.

Consumers of intelligence also testified that it would be desirable for the national intelligence director to have strong budget authority. Secretary of State Colin Powell, at the hearing of our committee on September 13, 2004, said:

The [Director of Central Intelligence] was there before, but the DCI did not have the kind of authority [needed]. And in this town, it's budget authority that counts. Can you move money? Can you set standards for people. So you have access to the President? The [national intelligence director] will have all of that, and so I think this is a far more powerful player. And that will help the State Department.

Some of those who have brought a different perspective have said that the Director of Central Intelligence al-

ready has the needed authority but simply has failed to use it, and that if budget execution authority is needed, it should be given to the national intelligence director by Executive order.

With respect to the NFIP budget, the testimony before our committee—much of it in closed session—demonstrated that the Director of Central Intelligence authorities in practice are considerably weaker than they might appear on paper. So what we heard was how things work in the real world. What we heard was the day-to-day reality of how authority can be used, how it can be challenged. If it is not crystal clear, if it is not absolutely clear, if it is not unequivocal, as laid out in this bill, then, in fact, it may not in practice be as strong as one would desire.

The testimony also demonstrated considerable confusion about the actual extent of the Director of Central Intelligence legal authority which I found to be quite interesting. We would have before us various members of the intelligence community, and there would actually be a cross-discussion going on as to whether there was, in fact, this authority that one person believed was there but that the other person didn't believe was there. What we do in this bill is to get rid of the confusion and make it clear. We clarify any ambiguity in the existing language and make unmistakably clear Congress's intent that the national intelligence director, not the Department heads, will have the final say in developing the national intelligence budget.

With respect to receiving the appropriation and budget execution, the Director of Central Intelligence clearly does not have these key authorities today. Neither the administration nor we believe these authorities could be given to the Director of Central Intelligence, much less the national intelligence director, which has not yet been created by Congress, without congressional action.

There is simply no excuse for Congress not to act. This bill provides the kind of action that was clearly laid out before our committee as needed, as supported by those both in the intelligence network and the system, those who are making the decisions and those who are working with the decisions that are being made.

I do hope this body supports the recommendation of the Commission, the recommendation that is part of the bill before us.

Mr. President, I ask unanimous consent that at 2:15, the Senate proceed to a vote in relation to the McCain amendment No. 3702, with no second degrees in order to the amendment prior to the vote; provided further that there be 2 minutes of debate equally divided prior to the vote. Finally, I ask consent that following the vote, Senator STEVENS be recognized in order to make a statement.

Mr. REID. Mr. President, would the Chair indicate, there are still two additional amendments that are pending?

The PRESIDING OFFICER. Under the Senator's request, there is just one amendment.

Mr. REID. I understand the unanimous consent request talks about one amendment, but if we dispose of that amendment, there would still be two amendments pending.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I would hope that following Senator STEVENS's statement, we could make arrangements to vote on those two as early as possible this afternoon and move on to other matters on this bill. All of these matters have been debated thoroughly. I would hope that after that, the majority leader can arrange a time to vote on these amendments. We are ready over here. No objection.

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

Mr. COLEMAN. We will talk to the Members over the lunch hour and see if we can work this out.

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. 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.

#### HOMELAND SECURITY

Mr. SCHUMER. Mr. President, I am here today on the eve of the debate that will be occurring on Thursday evening. I know most Americans will be watching. I think they are probably the most important debates, certainly, since the Kennedy-Nixon debate, which was the first one.

The issue, of course, is related to the security of the country. I am going to focus my few remarks on security here at home, in terms of homeland security.

Whatever you think of the war on terror abroad—and there are many different views and we will hear some of those on Thursday night—my view—and I tend to be hawkish—is that hawks should be as angry or more angry with the President than doves, because the bottom line is that Iraq wasn't thought through. We don't have a plan and there is nowhere really to go. The idea of keeping faith and saying, well, there will be elections in January and that will make everything better, that is similar to the idea that we will win the war in 3 weeks and that will make everything better. It is simply not thought through and there are all these chimerical sort of wishes and hopes.

First, the election will not be held in many parts of the country. Second, I don't think it is going to make the basic problems go away. A devastating commentary on the war in Iraq is that we have been unable to spend money on infrastructure. One of the whole theories is that we were going to rebuild the country and show the Iraqis a bet-

ter life. Because the terrorists who are there—who are despicable—have been able to do so much in terms of sabotage and criminal activities, in terms of taking those workers who would rebuild Iraq and treating them so brutally, it has made it basically impossible to rebuild. The President and his administration admitted as much when they took back the money for rebuilding and are now putting it into security.

Again, what everyone thinks about the war overseas—and there are many different views, and I believe JOHN KERRY will enunciate a view that is far more consonant with the American people than what President Bush has done so far. I say that as somebody who supported the \$87 billion and the vote to go to war, because I believe we need a strong, aggressive foreign policy.

I believe the war on terror is the vital discussion of this decade and of our generation, probably. To win the war on terror, you need a good offense and a good defense. On defense, I regret to say, basically, this administration has not come close to doing what is necessary.

When you ask why, the bottom line is very simple: They don't want to spend the money. Their idea after idea after idea about air security, port security, rail security, truck security—we have the technology, not to make certain a terrorist attack doesn't occur but certainly to decrease the odds of it. When you go to the people in the agencies and ask why are you not doing this or that, they say: We don't have the money. When we come to the floor and argue about homeland security—as we just did when the Appropriations bill on homeland security came forward—we were told by my friend from Mississippi, the chairman, that we are spending enough. Let me tell you, we are not spending close to enough in any one of these areas.

Let's say, God willing, we manage to wipe out al-Qaida in the next year or two, and let's say the problems in Iraq subside—in my view, because KERRY will be elected and will handle them a lot better than President Bush has—we are still going to have new terrorist threats.

Terrorism can be described in a single sentence, which is that the very technology that has blessed our lives and accounted for so much of the prosperity we have seen over the last two decades has an evil underside; namely, that small groups of bad people can get ahold of that technology and use it for terrible purposes. So if al-Qaida is gone—and let's hope they will be—and if terrorism in Iraq greatly declines—and let's hope that occurs—there are going to be new groups that start using this terrorism and using it against us and trying to use it in our homeland. It could be Chechnians; maybe they will have a meeting and decide that instead of blowing up movie theaters and airplanes in Moscow, the real answer is to go after the United States. Maybe it

will be East Timorese, who have been fighting for independence in east Asia. For all we know, it could be skinheads in Montana who decide to do this—a couple of them did it in Oklahoma City—but in a more structured and destructive way, God forbid. So we cannot even keep track of the various groups that could hurt us.

The sad fact is, if 500 random people around the world, with some leadership, were injected with an evil virus and they were to decide, fanatically, they would devote the next 5 years of their lives to figuring out how to hurt America and try to implement it, the odds are too high that they could succeed.

So do we need a good offense? Yes, we do. Do we need a good defense? You bet. On area after area after area, we are not doing enough. Let me catalog a few.

Air security, here we are doing something of a better job than we have done in the past. The screeners, for all the problems they have, are a lot better than they were before 9/11 when they were paid minimum wage by private security companies. Some didn't speak English adequately. We are inspecting cargo.

But probably the No. 1 way terrorists could now hurt us as we travel in the air is by using shoulder-held missiles. We know the terrorists have them, al-Qaida has them, and they are available on the black market. We are slow walking any attempt to put on our commercial airplanes the mechanism to deflect the rockets, the heat-seeking rockets that emerge from shoulder-held missiles.

Mr. REID. Will the Senator yield?

Mr. SCHUMER. Yes.

Mr. REID. Is the Senator aware that on at least five different occasions we have had votes on the Senate floor where we have asked for increased funding for homeland security and the Bush people have turned it down through various ways? I amplify that by saying these are all set forth in Senator BYRD's best-selling book. Is the Senator aware we tried to get money for real homeland security—not security in Iraq but security for the American people—and this has been turned down; is he aware of that?

Mr. SCHUMER. I am aware of it, and it frustrates me to no end. Senator BYRD has had amendments, Senator MURRAY has had amendments, Senator CORZINE has had amendments, Senator CLINTON and I have had amendments, one after the other, and they are turned down.

I say to my colleague from Nevada, I have asked people in the administration, both present and former—a few who quit in disgust—are President Bush and his people not aware of the dangers? They basically say, no, they are aware of the dangers, but they don't want to spend any money here at home. They would rather have all the money go to tax cuts, and so it is not that they do nothing in each of these



areas; they do the bare minimum: Let's have a study and let it take 2 years. Let's decide on what to do down the road.

For every year we wait, we become more vulnerable.

Mr. REID. Being more specific, is the Senator aware we have tried to address rail security and Amtrak security? Turned down. On several occasions, port security, turned down. Is he aware we have tried to get specific money to first responders? Turned down. The Senator is aware of this and other measures—for example, hazardous chemicals security, which Senator CORZINE has pushed so much. The Senator is aware of each of these, and we have had votes and have been turned down on the floor by the majority on all requests.

Mr. SCHUMER. Mr. President, I am aware, to answer my good friend from Nevada, of this. I am frustrated by it, and, frankly, I am befuddled by it because an administration that is so aggressive when it comes to taking the war overseas and will ask us for billions and billions more at the drop of a hat—

The PRESIDING OFFICER. All time has expired.

Mr. SCHUMER. I thank the Presiding Officer.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

#### NATIONAL INTELLIGENCE REFORM ACT OF 2004—Continued

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

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

#### AMENDMENT NO. 3702

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the McCain amendment.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, this amendment is designed to address transportation security-related recommendations of the 9/11 Commission. The amendment is almost identical to Title VII of S. 2774, the 9/11 Commission Report Implementation Act of 2004, which Senator LIEBERMAN and I introduced earlier this month.

The amendment implements the Commission's recommendations on

transportation security in the following three ways: One, establishing a national strategy for transportation security; two, assigning responsibility for the "no-fly list" to the Transportation Security Administration; and, three, enhancing passenger and cargo screening.

This amendment is the next step in fulfilling the mandate of the 9/11 Commission recommendations and ensuring we move forward in addressing the vulnerabilities in our transportation systems. These provisions should not be controversial, and I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to support the amendment which I cosponsored with Senator MCCAIN. This is the first of several he and I will be introducing, along with other Members, which would implement recommendations of the 9/11 Commission not included in the underlying bill that Senator COLLINS and I have introduced which focuses on intelligence reform.

Mr. ROCKEFELLER. Mr. President, I am pleased to support my colleague's amendment to implement the 9/11 Commission's recommendations on improving aviation security. Senator MCCAIN and I have worked closely over the last several years to strengthen our aviation security network. Although I strongly agree with the 9/11 Commission's recommendations for improving aviation security, I believe that Congress must go further than the Commission's recommendations if we are to continue to improve our aviation security system.

It is for this reason that I have filed my bill, S. 2393, the Aviation Security Advancement Act, as an amendment to this legislation as well. I would note that Senator MCCAIN is a cosponsor of my bill. In addition, to incorporating the recommendations of the 9/11 Commission, my bill also includes specific requirements to improve air cargo and general aviation security, which I have long felt to be significant gaps in our security system and the 9/11 Commission specifically cited as a weakness. My bill also authorizes funding for these new security requirements.

This legislation was passed unanimously out of the Commerce Committee last week. This legislation is also supported by the airline industry. I hope that the Senate will consider this legislation later this week. My amendment is cosponsored by Senators HOLLINGS, LAUTENBERG, SNOWE, and SCHUMER.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The question is on agreeing to amendment No. 3702.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massa-

chusetts (Mr. KERRY) are necessarily absent.

The result was announced—yeas 97, nays, 0, as follows:

[Rollcall Vote No. 189 Leg.]

#### YEAS—97

Alexander	Dole	Lugar
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Ensign	Miller
Bennett	Enzi	Murkowski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Bond	Fitzgerald	Nelson (NE)
Boxer	Frist	Nickles
Breaux	Graham (FL)	Pryor
Brownback	Graham (SC)	Reed
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Byrd	Hagel	Rockefeller
Campbell	Harkin	Santorum
Cantwell	Hatch	Sarbanes
Carper	Hollings	Schumer
Chafee	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Clinton	Inouye	Smith
Cochran	Jeffords	Snowe
Coleman	Johnson	Specter
Collins	Kennedy	Stabenow
Conrad	Kohl	Kyl
Cornyn	Kyl	Stevens
Corzine	Landrieu	Sununu
Craig	Lautenberg	Talent
Crapo	Leahy	Thomas
Daschle	Levin	Voinovich
Dayton	Lieberman	Warner
DeWine	Lincoln	Wyden
Dodd	Lott	

#### NOT VOTING—3

Akaka Edwards Kerry

The amendment (No. 3702) was agreed to.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, it is my understanding that Senator STEVENS no longer needs to use his time at this time. I believe he will be speaking later. So I ask unanimous consent to vitiate the order that reserved time for Senator STEVENS and instead have Senator HUTCHISON recognized to offer an amendment.

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

The Senator from Texas.

#### AMENDMENT NO. 3711

Mrs. HUTCHISON. Mr. President, I call up amendment No. 3711, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 3711.

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

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

The amendment is as follows:

(Purpose: To provide for air cargo safety, and for other purposes)

At the appropriate place, insert the following:

#### TITLE —AIR CARGO SAFETY

##### SEC. —01. SHORT TITLE.

This title may be cited as the "Air Cargo Security Improvement Act".

##### SEC. —02. INSPECTION OF CARGO CARRIED ABOARD PASSENGER AIRCRAFT.

Section 44901(f) of title 49, United States Code, is amended to read as follows: