$2.2 billion in additional spending over which the President has threatened a veto. The Department is already spending one-third of its budget on border security and immigration enforcement—a clear reflection of its priorities.

Next year, the Senate will review the President's budget request and the Appropriations Committee will recommend funding levels. If next year, we determine that more needs to be spent to continue to improve border security and enforcement, fine. But let's not simply toss an additional $3 billion out the window for fiscal year 2008.

I have the deepest respect for my colleagues, but I respectfully disagree on appropriating an additional $3 billion in emergency spending. They know and I know that the sole reason for appropriating these funds would be to convince the American people that Congress cares about securing the border—even though we know this additional spending exceeds what can possibly be spent in the 2008 fiscal year.

The question I ask is: How dumb do they think the American people are? Don't they realize that the American people will see through this charade and realize we are pulling a fast one on them?

How cynical can we be? The American people want us to work harder and smarter and do more with less and will be very angry that we are simply throwing money at a problem in a manner designed to make them feel good in the short term. This is the type of game playing that has caused our approval ratings to slump to all-time lows.

When something comes along that we decide we must spend more money on—and border security could very well be one of those things—then we need to be prepared to pay for that additional spending by either bringing in more revenues or cutting other spending. I ask my colleagues not to support this fiscally irresponsible act that will surely diminish our credibility with the American people.

I thank the ranking member of the Appropriations Subcommittee on Homeland Security for this opportunity. I hope some of my colleagues have an opportunity to understand why I think what we are doing here today is absolutely fiscally irresponsible. I am extremely pleased that this administration and this Congress is taking border security seriously. This attention is long overdue. I know all of us are trying to convey to the public that we are finally acting to secure the border. There is no one more ardent about that than I am. But let me remind my colleagues that the Department of Homeland Security has presented this Congress with a multiyear strategic plan for improving border security and enforcement, called the Secure Border Initiative. The Appropriations Subcommittee recommendations have fully funded the Department's request for what they believe they can accomplish in fiscal year 2008.

I have been on the Homeland Security and Governmental Affairs Committee since I came to the Senate. I was part of creating the Department of Homeland Security. I have spent many hours with Secretary Chertoff and other Department officials. I really believe the money that has been recommended by the Homeland Security Appropriations Subcommittee is adequate to get the job done during fiscal year 2008, in line with the Department's multiyear strategic plan. And we will reevaluate this situation for fiscal year 2009, and fiscal year 2010, and so on. But I do not think we should go through the charade of making the American people believe we are really sincere about securing the border by spending another $3 billion of emergency spending when the substantial funding that has already been recommended for fiscal year 2008 will get the job done.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I believe under the agreement the remaining time will be controlled by myself and the Senator from Arkansas; is that correct?

The PRESIDING OFFICER. The minority has 40 seconds remaining in morning business.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2638, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

Byrd/Cochran amendment No. 2383, in the nature of a substitute.

Landrieu amendment No. 2468 (to amendment No. 2383), to state the policy of the U.S. Government on the foremost objective of the United States in the global war on terror and in protecting the U.S. homeland and to appropriate additional sums for that purpose.

Grassley/Inhofe amendment No. 2444 (to amendment No. 2383), to provide that none of the funds made available under this act may be expended until the Secretary of Homeland Security certifies to Congress that all new hires by the Department of Homeland Security are verified through the basic pilot program authorized under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 or may be available to enter into a contract with a person, employer, or other entity that does not participate in such basic pilot program.

Cochran (for Alexander/Collins) amendment No. 2405 (to amendment No. 2383), to make $300 million available for grants to States to carry out the REAL ID Act of 2005.

Schumer amendment No. 2416 (to amendment No. 2383), to evaluate identification card technologies to determine the most appropriate technology for ensuring the optimal security, efficiency, privacy, and cost of passport cards.

Schumer amendment No. 2461 (to amendment No. 2383), to increase the amount provided for aviation security direction and enforcement.

Schumer amendment No. 2447 (to amendment No. 2383), to reserve $40 million of the amounts appropriated for the Domestic Nuclear Detection Office to support the implementation of the Securing the Cities Initiative at the level requested in the President's budget.

Schumer/Hutchison amendment No. 2448 (to amendment No. 2383), to increase the domestic supply of nurses and physical therapists.

Dole amendment No. 2462 (to amendment No. 2383), to require that not less than $5,400,000 of the amount appropriated to U.S. Immigration and Customs Enforcement be used to facilitate agreements described in section 287(g) of the Immigration and Nationality Act.

Dole amendment No. 2449 (to amendment No. 2383), to set aside $75 million of the funds appropriated for training, exercise, technical assistance, and other programs under the heading State and local programs for training consistent with section 287(g) of the Immigration and Nationality Act.

Cochran (for Grassley) amendment No. 2476 (to amendment No. 2383), to require the Secretary of Homeland Security to establish reasonable regulations relating to stored quantities of propane.

The PRESIDING OFFICER. Under the previous order, the time until 11:35 a.m. shall be for debate on the Graham-Pryor amendment, with 30 minutes under the control of the Senator from Ohio, Mr. VOINOVICH, and the remainder of the time equally divided and controlled by the Senator from South Carolina, Mr. GRAHAM, and the Senator from Arkansas, Mr. PRYOR.

The Senator from South Carolina is recognized.

AMENDMENT NO. 2480 TO AMENDMENT NO. 2483

Mr. GRAHAM. Mr. President, consistent with the unanimous consent agreement, we will be talking about an amendment that was discussed last night. Senator CORNYN had some language changes to the amendment that have now been adopted. I believe it makes it a much stronger, better amendment.

What we are trying to do here is add $3 billion to go toward securing the border, and I believe that is a homeland security event. So it is certainly an amount of money that is large in nature but goes to something that is large in nature in terms of our national security needs.

In terms of Senator VOINOVICH and his concerns about spending—I admire him greatly. He has been a constant, serious, thoughtful voice about controlling spending. This is an emergency designation, which means it is an off-budget item. I think Senator VOINOVICH has every right in the world to be concerned about how the Congress is spending money in a way for the next

generation to pick up the bill, but I would argue there is a time for emergencies in business life and personal life and legislative life, and this is one of those times.

This is an emergency kind of manufactured by Washington. It is something that should have been done 20 years ago. Now we have taken up immigration in a serious way. We had an extensive debate not long ago, and we were not able to get comprehensive immigration reform, but I think most Americans believe losing operational control of the U.S.-Mexican border is a national security issue of a serious nature, and they applaud our efforts to put money into securing the border between the United States and Mexico. That is exactly what this amendment does.

If there were ever a legitimate emergency in this country, I think this would be one of those times because we have lost control of our border. In the age of terrorism, what does it mean for a nation like the United States, which is being pursued by a vicious enemy that knows no boundaries, to lose control of its border?

It means that you are opening yourself up to attack. Now, most of the people who come across the border come here to work. This amendment does not deal with that. Hopefully, it will slow down how you get into the country. Hopefully, it will control who comes into the country—people coming to work illegally or people coming across the border to do us harm, it would make it more difficult.

But the idea of employment and the magnet of employment is not addressed by this amendment. We need a temporary worker program. We need employer verification systems so people cannot come here and fraudulently get jobs. That is not dealt with in this amendment. But this amendment is a great first step to controlling people coming across our border and overstaying their visas. I think it is a step that will get a large bipartisan vote.

What does it do? The $3 billion in emergency spending will allow us to hire 23,000 Border Patrol agents to go report for duty; more boots on the ground, more people patrolling our border making it harder for somebody to come across illegally. We should have done this a long time ago.

This amendment allows the hiring of a substantially larger number of Border Patrol agents, four unmanned aerial vehicles that will allow us to patrol isolated areas of the border by having new technology in place—the unmanned aerial vehicle has been a very effective tool in controlling illegal border crossings—one hundred and five ground-based radar and camera towers. We need walls along the border in urban areas where you can walk across the street, but technology in the desert and other areas of the border has proven to be a good investment. This amendment seriously increases the amount of technology to detect illegal border crossings; 300 miles of vehicle barriers, where people can drive up and down the border with vehicle lanes, where the Border Patrol can patrol that area in question and make it a more effective policing regime; 700 miles of border fence. We have approved the fencing. This would actually completely fund 700 miles of fencing. The border is, I believe, over 2,000 miles. Why 700 miles? Seven hundred miles would allow us to control crossings where you can literally walk across the street. The technology we are putting into place through this amendment will control other areas. The additional boots on the ground will help in all phases.

On the catch-and-release program, where you catch someone, turn them loose, and they come right back, well, we are trying to deal with that problem by increasing detention beds to 45,000, so when we catch someone, we can detain them and deport them—without them never showing up to their hearing.

The Cornyn addition will allow this $3 billion to be used in interior enforcement in a way to go after people who have absconded, who have been deported, who have been issued orders but have left and they are on the run. We can track them down and bring them to justice.

Overall, this amendment is money well spent. I am sorry it has to be spent in an emergency fashion, but it is an emergency. The reason this is an emergency, we have let it get out of hand. The goal of this amendment is operational control of the U.S.-Mexican border.

Mr. President, I call up amendment No. 2480 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself, Mr. ENZI, Mr. GREGG, Mr. MCCAIN, Mr. MARTINEZ, Mr. KYL, Mr. SUNUNU, and Mr. CORNYN, proposes an amendment numbered 2480 to amendment No. 2383.

Mr. GRAHAM. 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:

At the end, add the following:

DIVISION B—BORDER SECURITY

TITLE X—BORDER SECURITY REQUIREMENTS

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Border Security First Act of 2007''.

SEC. 1002. BORDER SECURITY REQUIREMENTS.

(a) REQUIREMENTS.—Not later than 2 years after the date of the enactment of this Act, the President shall ensure that the following are carried out:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security shall establish and demonstrate operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol shall hire, train, and report for duty 23,000 full-time agents.

(3) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol shall—

(A) install along the international land border between the United States and Mexico at least—

(i) 300 miles of vehicle barriers;

(ii) 700 linear miles of fencing as required by the Secure Fence Act of 2006 (Public Law 109–367), as amended by this Act; and

(iii) 105 ground-based radar and camera towers; and

(B) deploy for use along the international land border between the United States and Mexico 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security shall detain all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement shall have the resources to maintain this practice, including the resources necessary to detain up to 45,000 aliens per day on an annual basis.

(b) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (4) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

SEC. 1003. APPROPRIATIONS FOR BORDER SECURITY.

There is hereby appropriated $3,000,000,000 to satisfy the requirements set out in section 1002(a) and, if any amount remains after satisfying such requirements, to achieve and maintain operational control over the international land and maritime borders of the United States, for employment eligibility verification improvements for increased removal and detention of visa overstays, criminal aliens, aliens who have illegally reentered the United States and for reimbursment of State and local section 287(g) expenses. These amounts are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

Mr. GRAHAM. Mr. President, I ask unanimous consent to add Senator HUTCHISON as a cosponsor.

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

Mr. GRAHAM. I yield to Senator CORNYN to speak on this topic for 5 minutes.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I wish to express my gratitude to Senator

GRAHAM for his strong leadership on this issue. I know Senator PRYOR, on the other side of the aisle, is the principal Democratic cosponsor.

I concur with what Senator GRAHAM said. The necessity for this particular amendment is occasioned by the neglect of the Federal Government over the last 20 years at meeting its commitment to do whatever is necessary to keep the American people safe.

This has become, of course, a national focus in a post-9/11 world, when we have to know who is coming across our borders and what their intentions are. We cannot any longer assume people are coming across for benign reasons or are simply economic migrants because we know the same broken borders that allow a person to come across who wants to work in the United States can be exploited by human smugglers or drug traffickers and potentially even those who want to come here and commit acts of terrorism in the United States.

Yesterday, I made a part of the CONGRESSIONAL RECORD, by unanimous consent, the first of a four-part article written in the San Antonio Express News, documenting the movement of what are called special interest aliens; that is, individuals who are coming to America, from countries where terrorism is flourishing, through our broken southern border.

The particular story that is documented talks about a young Iraqi who traveled from Damascus, Syria, to Moscow, to Havana and then to Guatemala and then up through the southern border, our southern border with Mexico, into the United States. Thank goodness this individual did not appear to be committed to a life of terrorism, but it demonstrates the kind of vulnerability we have in this country, and it is important we do everything possible to protect it.

I am pleased with the majority leader's agreement to now allow us to include the use of these funds for interior enforcement because we know 45 percent of the illegal immigration in this country occurs not from people who violate the border but people who enter legally, then overstay and then go underground. So I am grateful to the majority leader and am pleased to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I come to the floor this morning to speak about amendment No. 2480, the Graham-Pryor amendment. Let me first say the legislation Senator GRAHAM and Senator PRYOR have brought to the floor this morning, in terms of an amendment, is essentially the same language and has the same legislative provisions we had in the comprehensive immigration reform package. They are good aspects of that legislation that allow us to move forward with securing and fixing our borders.

As we went through the immigration reform debate, we said we had to do three things: First, we needed to enforce and fix our borders; secondly, we needed to enforce our laws within our country; and, thirdly, we needed to figure out a realistic solution to the reality that we have 12 million undocumented workers who are here in this country today.

This amendment takes a part of those principal components and addresses it in a very effective way. Indeed, when you look through the language, what it does is it says we will hire 23,000 additional Border Patrol agents; we will have 4 unmanned aerial vehicles and 105 ground-based radar and camera towers; we will have 300 miles of vehicle barriers and 700 miles of fence; we will have a permanent end to the catch-and-release policy and additional funding to enhance employment verification; we will have increased removal and detention of visa overstays and reimbursement to State and local governments for immigration expenses.

So that all is good. It addresses one of the fundamental components of immigration reform. So I am supportive of what we are trying to do here. I do wish to let my good friend and colleague, Senator GRAHAM, and my good friend, Senator PRYOR, know that the concern I have with the amendment, notwithstanding the fact that I will support it, is that it is all focused on the southern border.

While it may be, and it is true our borders are broken, it is not just the border between Mexico and the United States that is broken. We have the same kinds of problems in our ports, we have the same kinds of problems along our northern border. This is, frankly, unfair in terms of focusing only on the Mexican border. We have to fix all our borders, not just the Mexican border.

So while I will be supporting this amendment, I also intend to offer another amendment that will address the other broken borders we have in our country because I think that is a way to be fair about it. It is the only way in which we will ultimately achieve the objective we have, which is dealing with the national security of the United States of America. You cannot have national security when you have broken borders.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I am very pleased that Senator GRAHAM and others have come together to increase and enhance our border security in this country. We all know in this Chamber we have tried very hard to reform our immigration system that we have on the books.

In fact, I have been very vocal saying I am for immigration reform. I think we need to do that. But so far we have not been able to get that done in the Senate. I believe, honestly, we need more involvement with the White House in trying to get that done.

But regardless of that, today one of the things that came through to me loudly and clearly from the people in Arkansas is we need to secure our border. People do not want to wait 2 years, 3 years, 5 years, whatever it may be, to have border security; they want us to start working on that now.

That is what we are trying to accomplish with this amendment today. Again, I am very pleased that Senator GRAHAM, a true South Carolina conservative Member of this body, someone whom we all respect, someone who, even though he has impeccable conservative and Republican credentials, is willing to reach across the aisle to work with others to try to get good things done for his State and for our country. He and Senator CORNYN of Texas and many others have worked on this issue. I am very pleased to be part of a bipartisan solution on border security.

One of the things I like about this legislation is it adds $3 billion for border security. That means we will get 23,000 additional full-time border agents, we will get new border-monitoring technology, we will get 300 miles of vehicle barriers, we will get 700 miles of fence. That is funded by this amendment. We will get 105 radar and camera towers, and we will get resources to detain an additional 45,000 illegal immigrations who are in this country right now.

It also includes money to help with some internal matters in this country, to help do some processing and look at employee issues and employer issues, et cetera.

This is a good amendment. I think one of the things I heard loudly and clearly from the immigration debates we had on the Senate floor was people in Arkansas want us to secure the border first, let's enforce the laws we have on the books. They have been on the books for a long time, and we have not done a very good job of enforcing those laws.

When I say ''we,'' I mean the administration. The will to try to enforce the laws we have on the books has not been there. I am not trying to point fingers. It is not only this administration; we can go back for a couple of decades.

Regardless of that, I am not trying to point fingers. Right now I want to look forward. I want to add to this amendment an additional $3 billion for border enforcement to enhance this Nation's security.

I encourage my colleagues to look at this, give it very strong consideration, and support this amendment. It is bipartisan. We have a number of Senators who were on it originally, a number more have been added as we go today. So I would, in closing, recommend to my colleagues that they give this very strong consideration. It will allow us to enforce the laws we have on the books, it allows us to enhance our border security in very real and very meaningful ways. I think it is what the American public wants.

I yield the floor and suggest the absence of a quorum and ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MARTINEZ. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MARTINEZ. Mr. President, I rise to speak on the border security amendment No. 2480. As the immigration bill came to a close, there was one thing that was very clear—there was unanimity and support for the issue of border security. The issue of protecting our border is one we all understand. The American people understand. It needs to be done. That was one of the many things that was in that bill that was undone that needed doing.

I believe today we do a great thing by moving this issue forward. We have a great threat of terrorism, the continued flow of illegal immigrants. We need to do all we can to secure our border.

This amendment will provide an increase in resources to improve our security by building our physical presence and surveillance on the border itself. It requires within 2 years of enactment that we secure operational control over the southern border between the United States and Mexico, and it allows the Border Patrol and U.S. Customs to hire and train and report for duty 23,000 full-time agents. I believe this is a step in the right direction. The United States, in addition to that, will deploy four unmanned aerial vehicles. These are essential for electronic surveillance in order to fully protect our southern border. In addition, the U.S. shall engage in the catch and return of illegal aliens. We know that a great many of those who are here illegally have simply overstayed their visas. This also permits interior enforcement in order to be able to be successful in implementing strong border and interior enforcement. Ninety days from enactment of this bill and every 90 days thereafter, the administration shall report to Congress on the progress. If the progress isn't on track, the report will include specific recommendations for fixing the problem. That is essential because for too long we have known we had a problem. We have thrown money at the problem, and the solutions have not always been what we wanted. Regardless of our position on the issue of immigration, all of us can coalesce around the idea that border security is essential to the rights of a sovereign nation. The deployment of additional border agents, the end of catch and release, the provision of additional space in beds, interior enforcement to ensure we can begin to move forward to ensure those who have overstayed their visas, we understand how that happens and we keep track of that, and not allow them to occur. It is all part of what we need to do in order to ensure we have a safe and secure country.

Giving the American people the security and understanding that the Government is serious about border enforcement and about interior security, we then will be able to move forward with phases of the immigration reform act that did not come to pass. There was a lack of credibility that our Government has with the people with respect to our seriousness of purpose in border enforcement. This amendment is a step forward. We are putting the dollars that it needs, in addition to the specific direction it ought to have, as well to ensure that we will have the kind of border security all Americans expect and want so that we can then move forward with the other phases of immigration reform that are so desperately needed.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The President pro tempore is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, the Senate yesterday attempted to add $3 billion in emergency spending to secure our borders. I supported that effort. Unfortunately, rather than voting on the substance of the amendment, it was necessary for the Senate to vote on a procedural matter. In order to provide for the orderly processing of appropriations bills in the Senate, it was essential to vote to sustain the ruling of the Chair under rule XVI. However, I still believe it is important that we not miss this opportunity to provide robust funding to secure our borders and to enforce our immigration law. Therefore, I support the amendment providing $3 billion—that is $3 for every minute since Jesus Christ was born—get that, hear me, $3 for every minute since Jesus Christ was born—in emergency spending to hire, train, and equip Border Patrol agents and immigration enforcement officials, procure additional detention beds, expand our immigration enforcement efforts on the interior, construct border fencing infrastructure, and technology, and other steps to secure our borders.

This $3 billion will not be encumbered by controversial legislative and policy issues. Instead, it will be used in support of already authorized activities such as hiring Border Patrol agents, building fencing and other border technology, and enforcing the immigration laws already on the books.

Specifically, this amendment will hire, train, and equip at least 5,000 new Border Patrol agents, in addition to the 3,000 new agents funded in the underlying bill. It will procure more than 4,000 additional detention beds, in addition to the 4,000 new beds funded in the underlying bill. It will hire more than 1,000 new immigration investigators and detention and removal personnel to perform interior enforcement activities such as expanding the work site enforcement investigation. It will increase the number of Criminal Alien Program and Fugitive Operations teams to locate and remove the over 630,000 fugitive alien absconders whom a judge has already ordered to be removed. It provides an additional $1 billion for border fencing, infrastructure, and technology.

Finally, it provides funds to procure additional helicopters, fixed-wing aircraft, marine vessels, and other border surveillance equipment, as well as funds to construct additional border stations in which our Border Patrol agents work. This amendment is balanced, and it is focused on meeting the immediate border security needs while enforcing our current immigration law.

I urge my colleagues on my left and my colleagues on my right to support the amendment.

I thank all Senators, and I yield the floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRAHAM. Mr. President, I understand Senator SESSIONS wishes to speak. He is on the way. As soon as he gets here, we will gladly yield back any time that is remaining. I wish to make a couple comments about the amendment.

No. 1, in terms of spending, it is one of those situations where the country finds itself in an emergency that maybe shouldn't have been an emergency to begin with because we have neglected our border security obligations.

I ask unanimous consent to add Senators SPECTER, COLEMAN, and LINCOLN as cosponsors of the amendment.

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

Mr. GRAHAM. We are where we are as a nation. We have a porous border. Every time a supplemental bill comes through on Iraq, it gets the votes from this body that it needs to become law, because all of us understand, whether we disagree with the policies in Iraq, that once the soldiers and warfighters are there, our troops are there, there are certain things that have to flow from their presence, and we designate a lot of money for the Iraqi operation as emergency spending; I believe rightfully so.

Well, I would argue to anybody, Republican or Democrat, that one of the big chinks in our national security armor is a porous border between the United States and Mexico, and this $3 billion will really help in a serious way. It is serious money to deal with a serious problem that is truly an emergency. It will add more boots on the

ground. It will add agents for there to be a total of 23,000 border security agents on the border, which is a tremendous increase over what we have now. I think it is like 13,000 or 14,000.

But the technology in this bill will be a force multiplier. The technology we spend money to secure will allow the force in place to be multiplied by a factor of many because the technology literally leverages the boots on the ground in a tremendous way.

The 45,000 additional bedspaces will stop a program that is really the wrong message to send—catch and release: We catch you. We release you back. You come again. Now we have bedspace to detain people to make sure they do not flee, and they are deported for coming across the borders illegally.

It is an effort to basically deal with a problem that has been a long time in the making. There is money that will have a beneficial consequence to securing our borders. The term ''operational control'' is a military term. I look at this effort to secure our borders in many ways as a military operation.

I hope this amendment gets a strong bipartisan vote. I understand Senator VOINOVICH's concern about the emergency designation in spending money offline, but this is one of those times I think it is justified.

To the administration, I understand your concerns about spending, but you have sent hundreds of millions of dollars in requests over—billions of dollars—to the Congress to make sure we have the money necessary to secure Iraq for our troops' point of view. Now it is time to spend $3 billion to secure our borders here at home.

I hope the body will understand this is a step forward. It does not solve the problem. We still have a magnet of employment that has to be dealt with. We need a temporary worker program. We need a lot of things this amendment does not cover. But this is a great start in providing operational security to a porous border that in the age of terrorism is really not only an emergency but a national disgrace.

I hope the taxpayers at large will see this as a serious effort to do something about a problem which has huge consequences over time if left unaddressed. So I appreciate Senator REID working with us and Senator CORNYN making it better and my good friend from Arkansas, Senator PRYOR, for helping us move the ball down the road.

If this bill ever gets to conference, which I hope it will, I hope this provision is left standing as is because if there is a retreat from this, from the money, and from the designations in this amendment, I think it would be considered a retreat in terms of regaining operational control of our borders.

So with that, I believe Senator PRYOR wishes to be recognized.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I ask unanimous consent to add Senator BYRD as a cosponsor to this amendment.

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

Mr. PRYOR. 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. SALAZAR. 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. SALAZAR. Mr. President, I ask unanimous consent that I be added as a cosponsor to the Graham-Pryor amendment, which is currently the pending amendment.

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

The senior Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time in the quorum call be evenly divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. 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. CHAMBLISS. Mr. President, I rise in support of the Graham amendment to the Homeland Security appropriations bill. This is an issue which has been with us for years now, an issue of border security which we simply, as a group of policymakers, have not addressed in the right way. That became pretty obvious during our debate on the immigration bill several weeks ago. All of us heard from our constituents back home that while overall immigration reform may be needed in due course, what we need to do immediately is to take action to make sure our borders are, in fact, actually secure. That is the first step in real immigration reform.

Senator ISAKSON and I sent a letter to the administration imploring them to take action on this issue. We have asked the administration to send an emergency supplemental to the Senate and the House requesting that certain measures to secure our borders be enacted and adequately funded.

What Senator GRAHAM has done with this amendment is a step in the right direction toward ensuring that our borders—particularly our border to the south—are made secure.

I am a little bit disappointed we cannot go any further because what Senator ISAKSON and I have asked the administration to do in its supplemental request to this body would be to include the creation of a biometric identification card so all of those folks who cross the border in a legal way would have that identification card and any employer who sought to hire any of those individuals would know that they are here legally. If you hired them otherwise, it would be at your own peril.

There are some technical reasons why Senator GRAHAM could not add that provision in here. It is going to require more money, No. 1, plus some other issues regarding the rules of this body. So I am hopeful that there are some additional measures we will take up after we, hopefully, adopt this amendment overwhelmingly, get this bill into conference, out of conference, and on the desk of the President.

So I applaud my colleague from South Carolina, as well as Senator PRYOR, who I know has worked very hard on this particular measure. This amendment does many of the things Senator ISAKSON and I have asked for, and we are very hopeful this will get to the desk of the President immediately. This will answer one of those questions a lot of us heard during the immigration debate from our constituents; that is, why don't you enforce the laws that are on the books today? Well, here is the answer: We do not have the money to do it. This will give us the money to do some of those things.

So I urge all of my colleagues to look very favorably on this amendment. Let's take the first right step to secure the borders. Then we can come back and deal with the overall remaining immigration issues that are outstanding.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I ask unanimous consent that Senators LINCOLN, BAUCUS, and WEBB be added as cosponsors to this amendment.

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

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I think the Senator from New Hampshire and the Senator from Alabama would like to speak. We have until 11:35.

I ask the Senator from New Hampshire, would you like 5 minutes?

Mr. GREGG. Thank you.

Mr. GRAHAM. To be followed by the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama and the Senator from New Hampshire have a total of 7 minutes 40 seconds.

Mr. GRAHAM. Mr. President, I ask unanimous consent that it be evenly divided.

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

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I congratulate the Senator from South Carolina for reaching this understanding on how to proceed relative to making sure our borders are secure.

The language in this amendment, which adds a significant amount of money to support the expansion of the boots on the ground and the technology on the border, is critical to the

first step—which has been related here by a number of individuals—of securing the border as part of our effort to get comprehensive immigration reform.

I think we all understand the American people are asking the question, Why isn't the border secure? This has been an effort that has been ongoing for a number of years now, to make the border secure. But this amendment we are taking up now would be the final downpayment on what is necessary to accomplish that goal.

We know what we need in order to secure the border. It is more border agents, it is more physical fencing but a lot more virtual fencing, it is more detention beds, and it is more ICE agents. It is also necessary to have in place the law these individuals need in order to enforce the border and pursue people who come into this country illegally and who may be inappropriately here and who are committing crimes here. Unfortunately, that language was not included in this amendment. That language was stripped out yesterday. But still, getting the resources in place in order to support the border is the first critical step, and this bill does that.

I have been working on this issue for a long time, both as past chairman of the Homeland Security Appropriations Subcommittee and as past chairman of the Commerce, State, Justice Appropriations Subcommittee in the Appropriations Committee, as have Senator COCHRAN and Senator BYRD. There has been a strong commitment on the part of the Appropriations Committee to accomplish these goals. But there has always been additional resources needed in order to fully fund border security. Now, with this amendment, we will actually put in place those additional resources.

I congratulate the Senator from South Carolina for bringing this process to closure. I congratulate the majority leader for reaching a consensus here that could be bipartisan. As Senator MCCONNELL said last night, this is a positive, bipartisan effort to try to step forward on one of the most critical issues we have as a nation, which is making sure the people who come into this country come into the country legally.

So it is the end of a long road, quite honestly, relative to the responsibility of Congress. We will now have put in place the necessary resources to secure the border. The question now becomes whether those resources will be effectively used. Certainly, we will have to use all our oversight capability to ensure that occurs, but at least we have addressed our responsibility of making sure the funds are there to support the necessary additional boots on the ground, the additional expansion of security along the border in the form of virtual fencing and in the form of physical fencing, and the additional detention beds necessary to make sure that when someone is apprehended for coming into the country illegally, they are not simply set off on their own recognizance to appear in court someday but are actually restrained in a place so they can be returned back to the nation they came from in an orderly manner, which is critical.

So this is a good bill and good language. I am glad we are making this progress on it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, the requirements of fencing, additional Border Patrol agents, bedspaces for those who have been detained who come here illegally are not there as an end in themselves. Our goal—our real goal—must be to create a change in the mindset of what is happening at the border, to reach that tipping point in which the world knows our borders are not wide open, that it is exceedingly difficult to penetrate them illegally and they are unlikely to be successful. As a result, we can move from the current situation—in which over a million people last year were arrested coming into our country illegally—and see those numbers drop off, to reach that tipping point, where the world knows that border is not open.

We have talked about it for all the 10 years since I have been in the Senate. Presidents have talked about it. They have campaigned on it. Members have talked about it. But we have not done anything about it. That is why the American people are not happy with us.

So I think this legislation will do some things of significance. It will fund 700 miles at the border and complete that process. Why it has taken as long as it has I am not sure, but work is being done right now, although not a lot has been accomplished so far. I am told that pretty soon we will see the fencing come up that we have authorized and that the work is continuing on. So it will be 700 miles. That is really progress, I have to say, but it is not the final installment. We are going to have to do more in the years to come. It is actual fencing, plus virtual fencing also.

So I am pleased we have made a concrete step forward with this funding. It will allow us, if the executive branch uses it wisely, to transform in a significant way the open border system we now have to a lawful system. That would be good for America in terms of creating a lawful system of immigration, and it will be good for the people who send us their money and expect us to do what we promise to do and that we actually get serious about it and start taking steps in that direction.

With regard to fencing, other countries use fencing significantly. Spain is constructing quite a lot of fencing on their African border. Other countries are doing so in the EU. Hong Kong has a border situation that they have dealt with through fencing. It is not anything unusual. It is the normal course when you have a wide open border because what happens is, a fence will multiply many times the effectiveness of a Border Patrol officer.

I ask my colleagues how you would be able to control hundreds of miles of border if you are just standing out there by yourself. If the person trying to come in knows they have to cross a fence, they will have a much harder time and be much easier to apprehend.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I would like to pick up on some of the comments my colleagues on the Republican side have made on this amendment. One of the things Senator SESSIONS just mentioned is that this is a concrete proposal. I know he didn't intend the play on words, but this is concrete. We are talking about adding real border enforcement. It is real. It is bricks and mortar. It is physical barriers. It will definitely slow the influx of people coming into this country who are not playing by the rules.

Again, I want to thank my colleagues, both Democrats and Republicans. We have been adding cosponsors this morning to this legislation. I want to thank all of my colleagues who participated. I need to give a special thanks to Senator HARRY REID who helped pull this amendment together. To put $3 billion on border enforcement on the Homeland Security appropriations makes perfect sense. It makes perfect sense in terms of good government, and it makes perfect sense to the people all across this Nation.

One of the messages I heard loudly and clearly during the immigration debate which we finished a few weeks ago is, people want more border enforcement. They want the U.S. Government to secure our border. There is no doubt about that; this is something the Federal Government has failed to do or has been pretty lax in trying to do over the last several years. Again, this didn't start with the Bush administration. I think it has probably gotten worse during this time, but it goes back several administrations. I am not here to point fingers today.

By voting for this amendment today, Senators would add 23,000 additional full-time border agents. We would add new border monitoring technology. We would add 300 miles of vehicle barriers, 700 miles of fence, 105 radar and camera towers. We would add resources to detain 45,000 illegal immigrants.

So this is, as Senator SESSIONS said, a concrete step in the right direction. This is good public policy. I know we have broad bipartisan support for this legislation. I want to thank my colleagues for giving this strong consideration, and I ask that they look at this legislation before we vote in just a few minutes.

Before I sit down, I ask unanimous consent that Senator LANDRIEU and

Senator MCCASKILL be added as cosponsors to this amendment.

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

The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I ask unanimous consent to add as cosponsors Senators ALEXANDER, DOLE, DOMENICI, and VITTER.

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

The Senator from Alabama is recognized.

Mr. SESSIONS. Would the Senator add me as a cosponsor?

Mr. GRAHAM. Absolutely. The Senator from Alabama, Mr. SESSIONS, and Senator COBURN from Oklahoma also.

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

Mr. GRAHAM. Mr. President, I would like to thank my good friend from Arkansas. It has been a pleasure working with him and all of my colleagues. Senator GREGG has been working on this issue for many years. Senator CORNYN's addition to the amendment last night has made it far better. If no one else would like to speak——

Mr. PRYOR. Mr. President, I ask unanimous consent to add Senator FEINSTEIN as a cosponsor of this amendment.

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

All time has expired.

The question is on agreeing to the Graham amendment No. 2480.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. CONRAD), and the Senator from Oregon (Mr. WYDEN) would each vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted ''yea.''

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

The result was announced—yeas 89, nays 1, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—89

Akaka	Domenici	McCaskill
Alexander	Dorgan	McConnell
Allard	Durbin	Menendez
Barrasso	Ensign	Mikulski
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Graham	Nelson (NE)
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Sanders
Cantwell	Isakson	Schumer
Cardin	Kennedy	Sessions
Carper	Kerry	Shelby
Casey	Klobuchar	Smith
Chambliss	Kohl	Snowe
Clinton	Kyl	Specter
Coburn	Landrieu	Stabenow
Cochran	Lautenberg	Sununu
Collins	Leahy	Tester
Corker	Levin	Thune
Cornyn	Lieberman	Vitter
Craig	Lincoln	Warner
Crapo	Lott	Webb
DeMint	Lugar	Whitehouse
Dole	Martinez	

NAYS—1

Voinovich

NOT VOTING—10

Brownback	Inouye	Stevens
Coleman	Johnson	Wyden
Conrad	McCain	
Dodd	Obama	

The amendment (No. 2480) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Vermont is recognized.

SUBPOENAS ISSUED

Mr. LEAHY. Mr. President, today the Senate Judiciary Committee is issuing subpoenas to political operatives at the White House for documents and testimony related to the committee's ongoing investigation into the mass firings of U.S. attorneys and the politicization of hiring and firing within the Department of Justice. This is not a step I take lightly. For over 4 months I have exhausted every avenue seeking the voluntary cooperation of Karl Rove and J. Scott Jennings but to no avail. They and the White House have stonewalled every request. Indeed, the White House is choosing to withhold documents and is instructing witnesses who are former officials—not current officials but former officials—to refuse to answer questions and provide relevant information and documents.

We have now reached a point where accumulated evidence shows that political considerations factored into the unprecedented firing of at least nine U.S. attorneys last year. Testimony and documents show that the list was compiled based on input from the highest political ranks in the White House, including Mr. Rove and Mr. Jennings. And today I will subpoena Mr. Rove and Mr. Jennings. The evidence shows that senior officials were apparently focused on the political impact of Federal prosecutions and whether Federal prosecutors were doing enough to bring partisan voter fraud and corruption cases. It is obvious that the reasons given for these firings were contrived as part of a coverup and that the stonewalling by the White House is part and parcel of that same effort. Just this week, during his sworn testimony, Mr. Gonzales contrasted these firings with the replacement of other U.S. attorneys for ''legitimate cause.''

The White House has asserted blanket claims of executive privilege, despite testimony under oath and on the record that the President was not involved. The White House refuses to provide a factual basis for its blanket claims. The White House has instructed former White House officials not to testify about what they know and instructed Harriet Miers to refuse even to appear as required by a House Judiciary Committee subpoena. The White House has withheld relevant documents and instructed other witnesses not to produce relevant documents to the Congress but only to the White House.

Last week, the White House did much to substantiate the evidence that it is intent on reducing U.S. attorneys and Federal law enforcement to merely another partisan political aspect of its efforts when it dispatched an anonymous senior official to take the position that the U.S. attorney for the District of Columbia would not be permitted to follow the statutory mechanism to test White House assertions of executive privilege by prosecuting contempt of Congress. In essence, this White House asserts its claim of privilege is the final word, that Congress may not review it, that no court can review it and that this White House, unlike any White House in history, is above the law.

Two days ago, during an oversight hearing with Mr. Gonzales, the senior Senator from Pennsylvania, the ranking Republican on the Senate Judiciary Committee, rightly asked:

> Mr. Attorney General, do you think constitutional government in the United States can survive if the President has unilateral authority to reject congressional inquiries on grounds of executive privilege and the President then acts to bar the Congress from getting a judicial determination as to whether that executive privilege is properly invoked?

There can be no more conclusive demonstration of this administration's partisan intervention in Federal law enforcement than if this administration were to instruct the Justice Department not to pursue congressional contempt citations and intervene to prevent a U.S. attorney from fulfilling his sworn constitutional duty. In other words, telling the U.S. attorney: Violate your oath of office; don't carry out your sworn constitutional duty to faithfully execute the laws and proceed pursuant to section 194 of title 2 of the United States Code. The President recently abused the pardon power to forestall Scooter Libby from ever serving a

single day of his 30-month sentence for conviction before a jury on multiple counts of perjury, lying to a grand jury, and obstruction of justice. Stonewalling this congressional investigation is further demonstration that this administration refuses to abide by the rule of law.

This stonewalling is a dramatic break from the practices of every administration since World War II in responding to congressional oversight. In that time, Presidential advisers have testified before congressional committees 74 times voluntarily or compelled by subpoenas. During the Clinton administration, White House and administration advisers were routinely subpoenaed for documents or to appear before Congress. For example, in 1996 alone, the House Government Reform Committee issued at least 27 subpoenas to White House advisers. The veil of secrecy this administration has pulled over the White House is unprecedented and damaging to the tradition of open government by and for the people that has been a hallmark of the Republic.

The investigation into the firing for partisan purposes of U.S. attorneys, who had been appointed by this President, along with an ever-growing series of controversies and scandals have revealed an administration driven by a vision of an all-powerful Executive over our constitutional system of checks and balances, one that values loyalty over judgment, secrecy over openness, and ideology over competence.

What the White House stonewalling is preventing is conclusive evidence of who made the decisions to fire these Federal prosecutors. We know from the testimony that it was not the President. Everyone who has testified has said that he was not involved. None of the senior officials at the Department of Justice could testify how people were added to the list or the real reasons that people were included among the Federal prosecutors to be replaced. Indeed, the evidence we have been able to collect points to Karl Rove and the political operatives at the White House.

A former political director at the White House made a revealing admission in her recent testimony before the Senate Judiciary Committee when she refused to answer questions citing the oath she took to the President. In this constitutional democracy, the oath taken by public officials is to the Constitution, not any particular President of any particular party. The Constitution itself provides the oath of office of the President. Every President since George Washington has shown to ''preserve, protect and defend the Constitution of the United States.'' The oath for other Federal official is prescribed by Congress through statute and provides that every Federal officer's duty is not to support and defend any particular President or administration but ''to support and defend the Constitution of the United States'' and ''to bear true faith and allegiance'' to our founding principles and law.

Mr. BYRD. Mr. President, may we have order so that the Senator can be heard?

The PRESIDING OFFICER. May we have order? Take conversations outside the Chamber, please.

Mr. BYRD. I hope the Senator will say that again.

Mr. LEAHY. I will. The witness testified that she had taken an oath to the President. I reminded her the oath is to the Constitution, not to any particular President.

Mr. BYRD. Yes.

Mr. LEAHY. The distinguished Senator from West Virginia, the constitutional authority in this body, knows that every President since George Washington has sworn to preserve, protect, and defend the Constitution of the United States.

Mr. BYRD. Yes.

Mr. LEAHY. '' . . . to support and defend the Constitution of the United States'' and ''to bear truth fair and allegiance'' to our founding principles and law, not to a particular political party or to a President.

I pointed out to Ms. Taylor that the oath I have been privileged to take as a U.S. Senator is likewise to the Constitution. I proudly represent the people of Vermont. I know it is a privilege to serve as a temporary steward of the Constitution and the values and protections for the rights and liberties of the American people that it embodies. My oath is not to a political party and not even to the great institution of the U.S. Senate but to the Constitution and the rule of law. As a former prosecutor, I feel strongly that independent law enforcement is an essential component of our democratic government, and that no one is above the law.

Despite the constitutional duty of all members of the executive branch to ''take Care that the Laws be faithfully executed,'' the message from this White House is that the President, Vice President, and their loyal aides are above the law. No check. No balance. No accountability.

The law says otherwise. The criminal contempt statute, 2 U.S.C. § 194, provides that if a House of Congress certifies a contempt citation, the U.S. attorney to whom it is sent has a ''duty'' and ''shall'' ''bring it before the grand jury for its action.'' For this White House to threaten to intervene in an effort to preempt further investigation, cover up the truth and avoid accountability is an insult to the rule of law. This law was duly passed by both Houses of Congress and signed by a duly elected President of the United States. It is derived from law that has been on the books since 1857, for 150 years.

The Bush-Cheney White House continues to place great strains on our constitutional system of checks and balances. Not since the darkest days of the Nixon administration have we seen efforts to corrupt federal law enforcement for partisan political gain and such efforts to avoid accountability.

Given the stonewalling by this White House, the American people are left to wonder: What is it that the White House is so desperate to hide? As more and more stories leak out about the involvement of Karl Rove and his political team in political briefings of what should be nonpartisan government offices, I think we have a better sense of what they are trying to hide. We have learned of political briefings at over 20 government agencies, including briefings attended by Justice Department officials. This week, the news was that Mr. Rove briefed diplomats on vulnerable Democratic districts before midterm elections. Why, Senator WHITEHOUSE properly asked at our hearing yesterday, were members of our foreign service being briefed on domestic political contests? Mr. Gonzales had no answer. Similarly, why were political operatives giving such briefings to the Government Services Administration, which rents government property and buys supplies? In her testimony before the Senate Judiciary Committee, the former political director at the White House ultimately had to concede that her briefings included specific political races and particular candidates being targeted.

In this context, is anyone surprised that the evidence in our investigation of the firings of U.S. attorneys for political purposes points to Mr. Rove and his political operations in the White House? Despite the initial White House denials, Mr. Rove's involvement in these firings is indicated by the Department of Justice documents we have obtained and from the testimony of high-ranking Department officials. This evidence shows that he was involved from the beginning in plans to remove U.S. attorneys. E-mails show that Mr. Rove initiated inquiries at least by the beginning of 2005 as to how to proceed regarding the dismissal and replacement of U.S. attorneys. The evidence also shows that he raised political concerns, including those of New Mexico Republican leaders, about New Mexico U.S. Attorney David Iglesias that may have led to his dismissal. He was fired a few weeks after Mr. Rove complained to the Attorney General about the lack of purported ''voter fraud'' enforcement cases in his jurisdiction.

We have learned that Mr. Rove raised similar concerns with the Attorney General about prosecutors not aggressively pursuing voter fraud cases in several districts and that prior to the 2006 mid-term election he sent the Attorney General's chief of staff a packet of information containing a 30-page report concerning voting in Wisconsin in 2004. This evidence points to his role and the role of those in his office in removing or trying to remove prosecutors not considered sufficiently loyal to Republican electoral prospects. Such manipulation shows corruption of Federal law enforcement for partisan political purposes.

Documents and testimony also show that Mr. Rove had a role in the shaping the administration's response to congressional inquiries into these dismissals, which led to inaccurate and misleading testimony to Congress and statements to the public. This response included an attempt to cover up the role that he and other White House officials played in the firings.

Despite the stonewalling and obstruction, we have learned that Todd Graves, U.S. attorney in the Western District of Missouri, was fired after he expressed reservations about a lawsuit that would have stripped many African-American voters from the rolls in Missouri. When the Attorney General replaced Mr. Graves with Bradley Schlozman, the person pushing the lawsuit, that case was filed and ultimately thrown out of court. Once in place in Missouri though, Mr. Schlozman also brought indictments on the eve of a closely contested election, despite the Justice Department policy not to do so. This is what happens when a responsible prosecutor is replaced by a ''loyal Bushie'' for partisan, political purposes.

Mr. Schlozman also bragged about hiring ideological soulmates. Monica Goodling likewise admitted ''crossing the line'' when she used a political litmus test for career prosecutors and immigration judges. Rather than keep Federal law enforcement above politics, this administration is more intent on placing its actions above the law.

The Senator from Washington has been very good to let me have this time. With our service of these subpoenas, I hope that the White House takes this opportunity to reconsider its blanket claim of executive privilege, especially in light of the testimony that President was not involved in the dismissals of these U.S. attorneys. I hope that the White House steps back from this constitutional crisis of its own making so that we can begin to repair the damage done by its untoward interference with federal law enforcement. That interference has threatened our elections and seriously undercut the American people's confidence in the independence and evenhandedness of law enforcement. Mr. Rove and the White House must not be allowed to continue manipulating our justice system to pursue a partisan political agenda. Apparently, this White House would rather precipitate an unnecessary constitutional confrontation than do what every other administration has done and find an accommodation with the Congress. If there are any cooler or wiser heads at the White House, I urge them to reconsider the course they have chosen.

There is a cloud over this White House and a gathering storm. I hope they will reconsider their course and end their cover up so that we can move forward together to repair the damage done to the Department of Justice and the American people's trust and confidence in Federal law enforcement.

Mr. MCCONNELL addressed the Chair.

Mr. CONRAD. Mr. President, on a matter of personal privilege.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I ask for one moment, I say to the leader.

EXPLANATION FOR NOT VOTING

Mr. CONRAD. Mr. President, I want to indicate that on the last vote, Senator WYDEN and I were in the Budget Committee on the confirmation hearing of Mr. Nussle. We called over to ask that the vote be held so that we could come to the floor and cast our votes. If I had been here, my vote would have been ''yea'' on the Graham amendment. I want the RECORD to reflect that fact. Senator WYDEN should also be recognized for a similar purpose.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, on a matter of personal privilege, I associate myself with the remarks of Senator CONRAD. I will be very brief.

We were in the middle of critical issues. I was asking about a program that is a lifeline to the rural West, the county payments program where the administration is trying to change 100 years of history, and on a bipartisan basis the Senate indicated it wants to oppose that program.

Had I been here, I would have, as Senator CONRAD, voted for that measure, strongly supporting efforts to strengthen border security.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that I be able to proceed for a few moments as in morning business.

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

The Senator from West Virginia objects?

Mr. BYRD. Mr. President, will the distinguished Senator yield just for a second? The Senator said ''for a few moments.'' How long is that?

Mr. MCCONNELL. Probably about 5 minutes.

Mr. BYRD. That is fine. I have no objection.

The PRESIDING OFFICER. The Republican leader.

CONDOLENCES TO SENATOR NORM COLEMAN AND FAMILY

Mr. MCCONNELL. Mr. President, let me notify all Members of the Senate that Senator NORM COLEMAN's father passed away this morning. Therefore, he missed the vote that we just had and will be missing votes for the remainder of this week. I know I speak for all Members of the Senate in sending our condolences to Senator COLEMAN and his family at this very sad time. We look forward to having him back in the Senate in due time.

NOMINATION OF JUDGE LESLIE SOUTHWICK

Mr. MCCONNELL. Mr. President, I wish to make a few observations about the nomination of Judge Leslie Southwick to the Fifth Circuit Court of Appeals. Over the past few days, members of the Democratic leadership have commented about Judge Southwick's nomination. These comments have, in my view, mischaracterized his record and his service to the people of his State. Worse still, some of our Democratic colleagues have made insinuations about the commitment of this fine man to the principle of equal justice for all. These gross insinuations are, of course, at odds with the views of his peers and his home State Senators, both of whom actually know him.

So over the next several days, we will continue to set the record straight, as the ranking member did so ably yesterday, to ensure that the Senate does not treat dishonorably an honorable man, a fine judge, and a courageous war veteran. Judge Southwick deserves more from this country than insinuation and innuendo. This leads me to a much broader point.

My friend, the majority leader, and I have an understanding—at least I believe we had an understanding—as to how this Senate would treat judicial nominees in general. A fundamental component of that understanding is that individual nominees will be treated fairly. That commitment to fair treatment may be in serious jeopardy with the Southwick nomination.

I remind my colleagues that the Judiciary Committee unanimously approved Judge Southwick for a lifetime appointment to the district court just last fall, but it is now threatening to kill his nomination on a party-line vote in committee. The only material change in Judge Southwick's qualifications between last fall and now is the rating of the American Bar Association, the Democrats' gold standard for judicial nominees. The ABA has actually increased its rating of Judge Southwick. In other words, they have given him a higher rating for the circuit court than for the district court. Judge Southwick was rated ''well qualified'' for the district court. He is now rated ''unanimously well qualified,'' which means every single member of the committee who took a look at his credentials for the circuit court found Judge Southwick well qualified. That is the highest possible rating one can achieve for a judicial nomination from the American Bar Association.

It goes without saying that for committee Democrats to oppose Judge Southwick for the circuit court after having supported him for the district without any change in the man's record would certainly fall far short of treating the man fairly.

I encourage my Democratic colleagues to think hard about the implications of unfair treatment for Judge Southwick for this Congress and, for that matter, for future Congresses.

I thank the Chair, and I yield the floor.

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. VITTER. 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. 2488 TO AMENDMENT NO. 2383

Mr. VITTER. Mr. President, I ask unanimous consent to set aside the pending amendment so that my amendment at the desk may be called up, amendment No. 2488.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself, Mr. NELSON of Florida, and Ms. STABENOW, proposes an amendment numbered 2488 to amendment No. 2383.

Mr. VITTER. 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 prohibit U.S. Customs and Border Protection or any agency or office within the Department of Homeland Security from preventing an individual not in the business of importing a prescription drug from importing an FDA-approved prescription drug from Canada)

On page 69, after line 24, add the following:

SEC. 536. None of the funds made available in this Act for U.S. Customs and Border Protection or any agency or office within the Department of Homeland Security may be used to prevent an individual from importing a prescription drug from Canada if—

(1) such individual—

(A) is not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))); and

(B) only imports a personal-use quantity of such drug that does not exceed a 90-day supply; and

(2) such drug—

(A) complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355); and

(B) is not—

(i) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(ii) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

AMENDMENT NO. 2496 TO AMENDMENT NO. 2488

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask it be reported on behalf of myself and Mr. BYRD.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself and Mr. BYRD, proposes an amendment numbered 2496 to amendment No. 2488.

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

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

The amendment is as follows:

In lieu of the matter propoed to be inserted, insert the following:

None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, simply so I can understand the posture we are in and the nature of this amendment, 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. BYRD. 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. BYRD. Mr. President, Senator LANDRIEU joined me in including important language in the Senate report that accompanies the Homeland Security Appropriations Act for Fiscal Year 2008. This language addresses a serious trade problem that is affecting the United States and many of its most critical industries. Our report language directs U.S. Customs and Border Protection to undertake a more vigorous approach to collecting unpaid antidumping and countervailing duties which are owed the United States under the U.S. trade laws.

In our report language, the Appropriations Committee directs CBP to work with the Departments of Commerce and Treasury and the Office of the U.S. Trade Representative to increase the collection of duties owed on unfairly traded U.S. imports. CBP—Customs and Border Protection—is directed to provide an annual report to the committee within 30 days of each year's distributions under the Continued Dumping and Subsidies Offset Act. The CBP report must summarize the Agency's efforts to collect past-due amounts and to increase current collections, particularly with respect to cases involving unfairly traded U.S. imports from China.

The Continued Dumping and Subsidy Act—also known as the Byrd amendment—was enacted on October 28 in the year of our Lord 2000. It provides that assessed duties received pursuant to either an antidumping or a countervailing duty order must be distributed by Customs to affected domestic producers for certain expenditures that the producers incurred after the order was put in place.

On June 4, 2007, CBP transmitted to Congress a fiscal year 2006 report on annual antidumping and countervailing duties collected on a case-by-case basis. The report stated that while CBP distributed nearly $400 million to more than 1,700 affected domestic producers in fiscal year 2006, a whopping—hear me—a whopping $146,391,239.89 was due but never—never—collected. Astoundingly, the amount of uncollected antidumping and countervailing duties not collected since 2000 is approaching $700 million.

Let me read that again. Hear me now. Astoundingly, the amount of uncollected antidumping and countervailing duties not collected since the year 2000 is approaching $700 million, with the largest uncollected amount, over $400 million, owed in a single case: dumped crawfish tail meat from China.

On June 20, 2007, CBP advised that, since October 1, 2001, CBP has simply ''written off'' $30.3 million in uncollected antidumping and countervailing duties. The greatest amount written off, again, was in the case of crawfish meat from China, where CBP wrote off nearly $7.5 million. That is a lot of money. This is money that otherwise would have been distributed directly to eligible U.S. crawfish producers. This means these funds will never be distributed to the hundreds of deserving American families to whom they are owed. What a shame.

Have Senators heard of Moon Landrieu? That was this Senator's father, Senator LANDRIEU. I would like to ask my esteemed colleague from Louisiana, Senator LANDRIEU, if she is similarly concerned about our Government's failure to collect these funds, recompense which is now lost—to whom? To Louisiana's honest and hardworking crawfish farmers and processors.

Ms. LANDRIEU. I thank Senator BYRD, because I am extremely concerned about this situation and hope we could find a remedy. I commend the Senator for his work over many years, to try to make sure our trade laws are fairly enforced and that agreements we have entered into, with countries such as China and others, are followed. But in this instance, as the Senator has so eloquently stated in this discussion this morning on the floor, this situation is not being handled correctly. Our industries, particularly in Louisiana, that he has mentioned, our crawfish producers have lost more money from the failure of U.S. importers to pay duties owed by China than any industry in our Nation. In Louisiana alone—I know it might be hard for people to believe this, but as spring rolls around, it will become quite evident—we have 3,300 crawfish farmers in our State and over 40 processors who employ a tremendous number of people and contribute hundreds of millions of dollars to our economy. The Senator from West Virginia understands our Government has failed to collect almost $70 million for this industry alone. This is antidumping duties on crawfish tail meat from China owed to the processors in my State and to our crawfish

farmers. There are additional funds that are owed.

It is my understanding—and the Senator from West Virginia is very aware—that our Customs officials are required to collect these duties, but they are not being collected. Many of these importers simply close up shop, they change their names, they move offshore, they reorganize, and evidently we are not able to collect the money that is owed to us. It is a great detriment to this particular industry and to others.

I have expressed concern over the years. We are going to continue to press this issue. We will continue in Congress to work to solve this problem. I feel very strongly that our U.S. Secretary of Commerce, Secretary Gutierrez, and the U.S. Trade Ambassador, Susan Schwab, should take this up directly with the China Ministry of Foreign Trade and Economic Cooperation. China sought to become a WTO member. It is my firm belief, if China wants to receive the benefits that accrue to them through WTO, they should enforce them and help us, and we should do a better job of making sure the importers abide by the rules we have agreed to.

I was very pleased to see in response to concerns raised by the Senate, GAO recently announced it has begun an in-depth investigation as to why our Government cannot seem to collect duties owed to U.S. industries on goods imported from China.

Since 2003, the total amount of uncollected duties on all antidumping countervailing duty orders for all countries totaled $630 million. Of this amount, $485 million, or 77 percent of the total, relates to 34 specific antidumping and countervailing duty orders that have been imposed by the United States on agriculture and aquacultural imports from all countries. Of that $485 million, 73 percent relate to six antidumping orders that have been imposed on U.S. agricultural and aquacultural imports from China alone.

While the biggest duty noncollection problem in my State relates to the crawfish industry, as the Senator from West Virginia most certainly knows, Louisiana also is experiencing a problem with our catfish farmers. I see the senior Senator from Mississippi. This affects Mississippi, it affects Arkansas, it affects Alabama. We were unable to collect almost one-third of the fees that are owed to our catfish farmers.

These are hard-working businesspeople who work long hours, who are trying to run these industries and abide by all environmental regulations, pay their taxes, abide by all the wage and hour laws in this country. When we enter into trade agreements, the least our Government can do is enforce them. That is what I come to the floor to express my concern about, through this colloquy with the distinguished Senator from West Virginia.

I commend the Senator for his tireless work. We are going to press on this issue of noncollection. I hope, even if this Subsidy Offset Act expires, our Government will continue to collect the money that is owed to us during the time this act was in effect. It means a great deal to the small businesses in my State, to crawfishers and catfish producers equally. I am hoping we can make some progress and do not continue to have our trade laws undermined in this way.

I thank the Senator for this time on the floor and I thank him for his continued work on this issue.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2505 TO AMENDMENT NO. 2468

Mr. DORGAN. Mr. President, I ask for the regular order. I send an amendment to the desk.

Mr. VITTER. I object.

The PRESIDING OFFICER. Amendment No. 2468 is pending. The clerk will report.

Mr. COCHRAN. I make a point of order.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. CONRAD, proposes an amendment numbered 2505 to amendment No. 2468.

Mr. DORGAN. 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: Relating to bringing Osama bin Laden and other leaders of al Qaeda to justice)

At the end of the amendment, add the following:

SEC. 536. (a) ENHANCED REWARD FOR CAPTURE OF OSAMA BIN LADEN.—Section 36(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(e)(1)) is amended by adding at the end the following new sentence: ''The Secretary shall authorize a reward of $50,000,000 for the capture or killing, or information leading to the capture or death, of Osama bin Laden.''.

(b) STATUS OF EFFORTS TO BRING OSAMA BIN LADEN AND OTHER LEADERS OF AL QAEDA TO JUSTICE.—

(1) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State and the Secretary of Defense shall, in coordination with the Director of National Intelligence, jointly submit to Congress a report on the progress made in bringing Osama bin Laden and other leaders of al Qaeda to justice.

(2) ELEMENTS.—Each report under paragraph (1) shall include, current as of the date of such report, the following:

(A) An assessment of the likely current location of terrorist leaders, including Osama bin Laden, Ayman al-Zawahiri, and other key leaders of al Qaeda.

(B) A description of ongoing efforts to bring to justice such terrorist leaders, particularly those who have been directly implicated in attacks in the United States and its embassies.

(C) An assessment of whether the government of each country assessed as a likely location of top leaders of al Qaeda has fully cooperated in efforts to bring those leaders to justice.

(D) A description of diplomatic efforts currently being made to improve the cooperation of the governments described in subparagraph (C).

(E) A description of the current status of the top leadership of al Qaeda and the strategy for locating them and bringing them to justice.

(F) An assessment of whether al Qaeda remains the terrorist organization that poses the greatest threat to United States interests, including the greatest threat to the territorial United States.

(3) FORM OF REPORT.—Each report submitted to Congress under paragraph (1) shall be submitted in a classified form, and shall be accompanied by a report in unclassified form that redacts the classified information in the report.

Mr. COCHRAN. Mr. President, point of order. What is the pending business before the Senate?

The PRESIDING OFFICER. The Landrieu amendment, No. 2468, with the Dorgan second degree.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have sent a second-degree amendment to the desk to the Landrieu amendment. My second degree will not strike her amendment. As a matter of fact, it will add at the end of her amendment the provisions of an amendment I had offered on Defense authorization. I am to chair the Democratic Policy Committee luncheon in a few minutes so I am not able to speak at length about this amendment. I intend to do that at some later point.

I wish to mention what Senator LANDRIEU has described in her first-degree amendment, the interest in having as our major policy goal here with respect to the fight against terrorism, the destruction of and elimination of the leadership of al-Qaida, Osama bin Laden. My amendment is one I had offered, as I said, to the Defense authorization bill, previously. It is an amendment that requires a quarterly classified report to be offered to the Congress that would tell us what is being done to bring to justice the leadership of al-Qaida.

The reason for offering that is quite simple. A week ago, we had a new National Intelligence Estimate, an NIE, given to the Congress in classified and unclassified form; an NIE that was reported to the American people. The reports were not particularly surprising but in some ways stunning. The report says the greatest terrorist threat to our homeland, in this country—the greatest terrorist threat to our homeland is al-Qaida and its leadership. It also says al-Qaida and its leadership is in a secure hideaway or safe harbor.

I ask the question for which there is no answer: Why, nearly 6 years after 9/11/2001, in which Osama bin Laden boasted about engineering the murder of thousands of innocent Americans—why, after 6 years, is there a safe harbor or secure hideaway anywhere on this planet for the leadership of al-Qaida and for Osama bin Laden? That, in my judgment, is a failure.

We have a lot of briefings in this Congress; some of them classified, top secret briefings. There are no briefings

that I am aware of on what is being done or what has not been done to bring to justice, to apprehend, and eliminate the leadership of al-Qaida. Those briefings do not exist. One of the reasons that perhaps we have not seen progress in bringing to justice and eliminating the leadership of al-Qaida is the President himself said: I don't think much about that. I don't think much, don't care much about Osama bin Laden.

If you believe the intelligence estimates, they are today planning additional attacks against this country. Yesterday, we woke up to the news that there are apparently dry runs, they think—our intelligence people think there are dry runs being made in our airports with various things packed in luggage by terrorists who want to do potential attacks later. We hear all these reports and the question remains: Why is it the leadership of the organization that poses the greatest terrorist threat to this country has a secure hideaway somewhere or a safe haven somewhere? There ought not be a square inch of ground on this planet that is safe for those who murdered Americans on 9/11, for those who pose the greatest threat to this country. That is intolerable.

The Defense authorization bill will come back to the floor of the Senate, I guess. This amendment I have offered is in that piece of legislation. But to make certain this amendment becomes law and gets to the desk of the President for signature, I have offered it to this appropriations bill. I understand it fits better on Defense authorization. My hope is that is where it will wind up on the President's desk.

It seems to me we went through agonizing debates and passionate debates on the floor of the Senate about the war in Iraq. I respect everybody's opinion on those issues. But while we have soldiers who got up this morning and strapped on body armor and got in humvees and then went and knocked door to door in Baghdad in the middle of a civil war, where Shias are killing Sunnis and Sunnis are killing Shias and Shias and Sunnis are both killing Americans—while that happened this morning in the middle of a civil war, we have the greatest terrorist threat to this country apparently in a safe harbor or secure hideaway. That ought not exist. First things first. Let's fight the terrorists first and defeat the terrorists first. That ought to be the first and most important priority and responsibility. If they are the greatest threat to this country, let's eliminate that threat. That ought to be the goal of this country. That is why I offer this amendment.

Mr. BYRD. Senator, tell the Senate about his amendment again. Let me hear about the amendment again.

Mr. DORGAN. Mr. President, this amendment has two parts to it. No. 1, it increases the reward for the elimination of the al-Qaida leadership and Osama bin Laden, and, No. 2, it required a quarterly classified report to be made to the Congress, every quarter, from this administration and from any administration, to say what they are doing, to tell us what they have been doing to try to apprehend and bring to justice and eliminate the leadership of the greatest terrorist threat to this country.

Is it too much to ask that we ought to be informed?

Mr. BYRD. No.

Mr. DORGAN. We ought to understand what is being done or what is not being done. I think the American people have a reason to ask the question: Why, nearly 6 years later, do we now read—and I have read it on a number of occasions in unclassified versions of classified reports that say—there is a secure hideaway for Osama bin Laden and the leadership of al-Qaida?

There is a secure hideaway. There is safe haven. Now, why should any place on this Earth be secure or safe for those who would attack this country?

Mr. BYRD. Where? Where? Where is that, Senator?

Mr. DORGAN. Well, the intelligence reports indicate that somewhere between Pakistan and Afghanistan, in the tribal-controlled mountainous regions, there is some sort of safe hideaway or secure hideaway or safe haven, as they call it. I have flown over this region. I have looked down, and I know there is no border. You cannot tell what country you are in. I have flown over the region that they call tribal-controlled between Afghanistan and Pakistan. There is no evidence of a country boundary. It is a tough country, tough region, I understand that.

But if we now have al-Qaida reconstituting and rebuilding training camps, which they are doing—they are recruiting new recruits, they are building training camps, they are planning attacks against the West, planning attacks against the United States of America, and doing so in a secure hideaway or safe haven—then I say that is wrong. It ought to be job No. 1 for this country to eliminate the leadership of al-Qaida that represents the greatest threat to our country.

That is the purpose of this amendment, to say we want that to be the overriding and overarching goal, and we want reports, classified reports every single quarter of what has been done or what has not been done because I do not believe, frankly, this has been a significant priority.

It certainly should have been. If it has not been in the past, at least let's make it so in the future.

Mr. BYRD. I compliment the Senator on his statement. Am I a cosponsor of this amendment?

Mr. DORGAN. I want to say that Senator CONRAD joins me in this amendment. I ask unanimous consent that Senator BYRD be added as a cosponsor as well.

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

Mr. DORGAN. As I said, I have to chair the Democratic policy committee luncheon in just a moment. I wanted to make a comment on the amendments that have been offered, and perhaps after the policy committee luncheon, if these issues are still pending, I will be able to comment.

Senator VITTER has offered an amendment dealing with prescription drugs. Senator COCHRAN has second-degreed that amendment, as I understand it. I believe we ought to have access to lower priced prescription drugs, FDA-approved prescription drugs.

Lower priced prescription drugs exist in virtually every other country of the world. Why should the American consumer not have the capability to acquire them under our current rules? I would say that we already have a circumstance where we are allowed about a 90-day supply of drugs, if someone walks across the border or drives across and comes back with a personal use, 90-day supply. Very few Americans live close enough to the border to be able to do that. But we have an amendment that is a broad bipartisan amendment; 30-some Members of the Senate have worked on it, cosponsored it. This will not be the legislation in which we consider that amendment, I do not expect.

The amendment that Senator VITTER has offered, as second-degreed by Senator COCHRAN, would simply restate current rules; that is, currently what is allowed. It would simply restate current rules, which I assume offends no one but accomplishes nothing as well.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, it is my understanding there are 11 amendments pending on this bill. There are points of order that lie against several of them. And the managers will make those whenever they see fit. I hope that those people who have other amendments pending would agree to short time agreements on them and accept a time for voting. Maybe the managers can even accept some of them.

This is a bill we want to finish today. It is an important piece of legislation. It has been improved in many different ways, not the least of which is this border security legislation that was passed earlier today. So I hope that Democrats and Republicans who offered these amendments will contact the managers and agree on a reasonable period of time so we can vote. It is 1 o'clock in the afternoon. It is important we do this.

I do not want to sound like a stuck record, but we have to finish this legislation before we go home in August. We have to finish the SCHIP bill before we go home in August. We have a 9/11 conference report we have to finish before we go home in August. We have the ethics and lobbying reform we have to finish before we go home in August. We are going to do that.

Everybody should understand—and, of course, I mentioned on the floor about the bill that Senators Boxer and

Inhofe have worked on dealing with WRDA, which is so important to the whole country, but certainly important to the western part of the United States.

Mr. DORGAN. Would the Senator yield for a question?

Mr. REID. I would be happy to yield.

Mr. DORGAN. Let me say that on the amendment I just offered, I would be glad to a 10-minute time agreement when we get ready. I expect we will not need a recorded vote on that. But I know, as the Senator from Nevada is pointing out, we had an objection to even the motion to proceed on this bill, which was strange to me. Why would anybody have objected to proceeding?

Now we get a bill on the floor, and Senator BYRD, Senator COCHRAN, the chairman and ranking member, I know they want to get this done. I believe we ought to get these appropriations bills through and out of here. This is a good bill.

I hope this afternoon Senators can come and offer the amendments. I hope we can get this bill done today. It is not just this bill, we have got a lot of appropriations bills we have to do. So the Senator from Nevada, the majority leader, has an important message: We need to get this appropriations bill done. It deals with homeland security after all.

Mr. REID. That is a really good example to set for the other people offering amendments. I would also say, as I said on the Senate floor this morning, there is an extremely important congressional delegation that is scheduled to be in Greenland this weekend. I would really like—first of all, I would like to have gone on the trip. But there are 10 or 11 Senators scheduled to go on that trip. I hope that trip can take place. But we are going to have to get this legislation done.

If we get some idea that there is a real stall going on here, we will have to file cloture on the conference report dealing with homeland security, the 9/11 Commission recommendations, and that vote would not take place until Saturday. So we are doing our best to work through all of this. But I want everyone to know, as I have said here so many times, we have a very few things to do, but we are going to do them. And it is no bluff. We have a whole month to complete everything in August. I hope people will help us work through that so that is not necessary.

Mr. BYRD. Mr. President, I would like for our majority leader to say that again.

Mr. REID. I would be happy to do that for my distinguished friend, the senior Senator from the State of West Virginia, of the West Virginia hills.

We have four things to do for sure: the bill we are on now, this appropriations bill, children's health, the conference report on the 9/11 Commission recommendations, and the message that we are going to get from the House on ethics and lobbying reform. Those four things are essential.

The luxury we would have is also to complete WRDA. The conference report is important. We should be able to do that quickly. We got a huge vote when it came out of here.

These are the things that we must do before we leave. This is not anything new that I just sprung on anybody. That is something that I have been saying for a long time. We have made great progress. I am very happy with it. We were able to get Wounded Warriors done. We were able to get the pay raise for the soldiers, sailors, airmen, and marines. We were also able to pass for the first time in 3 years the higher education bill—that is important—reconciliation, getting the biggest change in how students are able to go to our schools in our country since the GI bill. We have a few things we need to do, and we really need to do it.

I repeat, it is almost 1 o'clock on Thursday. I will be happy to work into the night to complete this bill. I say that the managers of the bill says it all, Senator BYRD and Senator COCHRAN. They are the best we have.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, taking the distinguished majority leader's words to heart, I would like to ask the Senate to return to the Vitter amendment to try to dispose of that.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Would the Senator repeat his request?

Mr. VITTER. The request is to return to the Vitter amendment to dispose of that and proceed with the business of the majority leader.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. What is the number of the amendment?

Mr. VITTER. Amendment No. 2488, which is pending.

Mrs. MURRAY. Mr. President, I would object at this time and suggest the absence of a quorum.

The PRESIDING OFFICER. Objection is heard. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. 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. VITTER. I renew my unanimous consent request to go back to amendment No. 2488.

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

Mr. VITTER. Mr. President, at this point I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

Mr. VITTER. Mr. President, just to be transparent and clear to everyone, this modification of my amendment takes out a specific provision limiting the amendment to a 90-day supply.

The PRESIDING OFFICER. The clerk will report the modification.

Mr. VITTER. 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, as modified, is as follows:

On page 69, after line 24, add the following:

SEC. 536. None of the funds made available in this Act for U.S. Customs and Border Protection or any agency or office within the Department of Homeland Security may be used to prevent an individual from importing a prescription drug from Canada if—

(1) such individual—

(A) is not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))); and

(2) such drug—

(A) complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355); and

(B) is not—

(i) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(ii) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

Mr. VITTER. Mr. President, I will be happy to explain exactly what the modification is. The modification simply takes one phrase out of the previous version of my amendment. And that single phrase in the old version of my amendment limited the amendment to a 90-day supply of prescription drugs.

That limitation is now taken out of my amendment. That is the only thing the modification does. Now, the purpose of the modification is to now make it a pure funding limitation amendment so that it is not subject to the point of order of authorizing on an appropriations bill.

That is the full explanation of the modification.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I call for the regular order with respect to the Landrieu amendment.

The PRESIDING OFFICER. The Landrieu amendment is pending.

Mr. MURRAY. 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.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I wish to take a few minutes to walk everyone through where we are right now.

About 15 or 20 minutes ago, the majority leader came over to the Senate to talk to us about moving quickly through the Homeland Security appropriations bill that is now on the floor because, as he described, we have many

items of business that need to be accomplished before the Senate goes into recess for the August break. He asked the managers of this legislation, Senators BYRD and COCHRAN, to work with Senators who have pending amendments to move them through in an orderly fashion so we could possibly finish this bill by tonight and go on to the rest of the business that needs to be completed.

In complying with that, Senator BYRD and Senator COCHRAN and myself worked out an agreement to begin to deal with some of those amendments. That is how we work in the Senate. We would never finish everything if we didn't take some time to have conversations to figure out how we can work through amendments in an orderly fashion.

There are 11 amendments currently pending that we are trying to work our way through. One of those amendments is an amendment offered by the Senator from Louisiana, Mr. VITTER, which he had a right to come and offer. It was not the pending matter. The pending matter was the Landrieu amendment, second degreed by the Dorgan amendment.

In order to get to the amendment offered by Senator VITTER, we had to agree by unanimous consent to set that aside. We talked to the Senator and agreed on a process to dispose of his amendment. Senator BYRD, Senator COCHRAN, Senator VITTER, and I were here to come to an agreement that Senator VITTER would offer his amendment. He understood that a point of order lay against that regarding whether it was a rule XVI. He understood that Senator COCHRAN's second-degree amendment also was in the same procedural difficulty.

The agreement was that we would agree to lay the amendment aside, Senator VITTER would set aside the amendment, go to his amendment, and a point of order would lie against it, as well as a point of order against the second degree offered by Senator COCHRAN. It sounds complex, but the upshot was, it would dispose of the amendment, a point of order would lie against it, and we would move on to the other numerous amendments that now lay before the Senate.

In this body, it is extremely important that we all have the opportunity to work out these agreements so we can work through bills in an orderly fashion. I assumed that would be the case, that we had all agreed upon that and that would be the order this would go to.

Unfortunately, when the Senator rose to ask to set aside the amendment, according to the agreement we agreed to, I did not object. The Senator went to his amendment, and instead of going through the process we had all agreed upon, he sent a modification to the desk that changed his underlying amendment and meant that it no longer had a point of order lying against it.

That is a difficult position it puts us all in because we have 11 amendments, possibly more, to get through. If we can't come to an agreement and trust each other on how the process is going to move forward and go outside that, we are not going to be able to get through these amendments, because this Senate really is based on trust.

So, Madam President, we are now in the parliamentary position where we have gone back to the regular order. Another amendment is pending. If we move through these in proper fashion, the amendment offered by Senator VITTER will now be at the end of 12 amendments that are now in order. At some point we will get to it, but we now are in a difficult position of: How do we move through all these other amendments that are being offered? How do we deal with all the other Senators who are going to come to the floor and ask us to work through these amendments, if we cannot have an agreement that this Senate—when Senators stand on the floor and agree to it—knows that is what will occur? So we find ourselves in a very difficult position.

I see the majority leader is on the Senate floor and will yield to him if he would like to make a statement.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I gave a talk a week ago tomorrow to a group of people. It was a church meeting. There were adults and young adults there. I told them about my experience serving in the Congress. I have served in the House, and I have served in the Senate. It is not like when I practiced law.

When I practiced law, you put everything in writing. We do not do that in the Congress. We do not do that in the Senate. Your word is your bond. If a Republican Senator or a Democratic Senator—it does not matter—if you tell them you are going to do something, that is the way it is.

To show how powerful and important that is, Alan Bible was a Senator from Nevada who served 20 years and became ill. He retired. When he passed away—there was a plane that was always available to take Senators to funerals. The plane was scheduled to go to Nevada so Senators could attend Alan Bible's funeral.

There was a Republican on that airplane, TED STEVENS. The reason he was on that airplane was there was a vote very important to TED STEVENS dealing with Alaskan oil. Alan Bible had given his word he was going to vote with TED STEVENS. There was tremendous pressure on Alan Bible. Alan Bible's vote was the essential vote, and he withstood all the pressure and voted with TED STEVENS. That is the reason TED STEVENS went to Reno, NV: to honor the life of Alan Bible because he kept his word.

That is what we do in this Senate. We keep our word. It does not matter with whom you make an arrangement; if you tell him you are going to do something, if you tell her you are going to do something, that is the way it is.

So my disappointment in what has happened in the last few minutes is—it appears Senator MURRAY said it in a more discreet fashion than I am going to say it. Somebody did not keep their word. And that, I suggest, should be worked out. I think if someone in this body is known to have broken their word—and I was part of the little conversation right here—you do not take advantage of people. There are a lot of rules that allow you to take advantage of people, but you cannot do that.

So this is not appropriate. This is wrong. And I would hope that the Senator from Louisiana would kind of retrace his steps and back off and put us back where we should be. If that is not the case, and he chooses not to do that, I think it is going to be a difficult time, I would suggest, for him making other arrangements with Senators in the future because that is how we do business here.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President—while the majority leader is here, and the managers of the bill—the parliamentary position in which we now find ourselves is that the amendment that is now before the Senate under the regular order is the Dorgan amendment to the Landrieu amendment.

Senator DORGAN was on the floor a few minutes ago and said he would be willing to agree to a 10-minute debate time and a vote. I know the majority leader has several issues that are going on. I would like to ask the managers of the amendment how they would like to proceed at this point.

Mr. COCHRAN. Madam President, if the Senator will yield, I have no objection to proceeding to a vote at whatever time the majority leader suggests.

Mr. REID. Madam President, if the Republican floor staff would check to find out if we could do the vote at 1:50, 2 o'clock. Two o'clock is fine? Two o'clock.

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate vote at 2 o'clock on or in relationship to the Dorgan amendment to the Landrieu amendment that is currently pending, with the time equally divided between now and 2 o'clock.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. REID. Madam President, are we in a quorum call?

The PRESIDING OFFICER. No, we are not in a quorum call.

Mr. REID. Madam President, I ask unanimous consent that the 15 minutes prior to the vote be equally divided between those in favor of the amendment and those opposed to it. Senator DORGAN is in favor of it, so he would get 7½ minutes. Is that appropriate?

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

Mrs. MURRAY. Madam President, I suggest the absence of a quorum and

ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam 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. 2448 WITHDRAWN

Mrs. MURRAY. Madam President, on behalf of the Senator from New York, Mr. SCHUMER, I ask unanimous consent to withdraw amendment No. 2448.

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

Mrs. MURRAY. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Madam President, I rise to express my disappointment with where we find ourselves on the pending bill. We are debating the Homeland Security appropriations bill. The bill includes over $14 billion—spelled with a ''b''—for border security. By a vote of 89 to 1, we just approved $3 billion in emergency funding for border security. I note that the bill also includes $1.7 billion for FEMA disaster relief to help fund the response to Hurricane Katrina.

The Senator from Louisiana—where is he? Do you want to hear me? Come on out. I want to say it in front of you.

The Senator from Louisiana is now holding up this bill over a legislative matter that is not germane to the measure. As the manager of the bill, I thought we had reached an accommodation on how to dispose of the matter.

Instead, the Senator from Louisiana—where is he? He was here a moment ago.

I thought we reached an accommodation on how to dispose of the matter. Instead, the Senator from Louisiana offered a new amendment—a new amendment.

Is he here? All right. I want to say it in his presence.

Instead, the Senator from Louisiana offered a new amendment. I am disappointed that the Senator from Louisiana has decided to delay consideration of a bill that includes critical funds for aiding the victims of Hurricane Katrina.

Did you hear me? Where is that Senator?

I am disappointed——

Mr. VITTER. Madam President, will the Senator yield?

Mr. BYRD. Yes, I yield.

Mr. VITTER. Thank you for the courtesy.

First of all, let me say to the distinguished Senator from West Virginia, I have the utmost respect for him. I just want to clarify that it certainly is not my intent to delay anything. I am happy to proceed with votes on this bill—all votes that are lined up, and other votes.

I would also like to make this offer, if it would clarify or help heal the past situation. I apologize if anything was miscommunicated regarding the last hour or so. But if it would help heal that, I would be happy to withdraw my pending amendment as long as I was given the opportunity and assured of an opportunity to file a new amendment, which is germane, and that could be made pending. And, of course, in that context, I would have no objection to anyone, including Senator COCHRAN, being able to offer a second-degree amendment on that amendment.

So I would be happy to withdraw my pending amendment as long as I could be given the opportunity to submit an amendment that could be made pending rather than have the clock run out or have proceedings and votes on the bill happen before that amendment would be made pending.

But, again, my main point is, it is certainly not my intent to delay this bill, or any votes on amendments or the bill, and I am eager to proceed with all of those.

I thank the Senator for the courtesy of yielding.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Madam President, we have not seen any amendment.

Mr. VITTER. I will be happy to provide a copy of what that new amendment would be. I would be happy to do that right now.

Mr. BYRD. Spell it out on the floor in front of everybody. What is the amendment?

Madam President, I suggest the absence of a quorum so that we may be able to see the amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. MURRAY. Again, I would remind my colleagues that we are currently debating the Dorgan amendment to the Landrieu amendment. Senator KERRY is on the floor and wishes to speak. I yield him the time until 1:45 when it will be equally divided at that time. So the Senator has 10 minutes.

Mr. KERRY. Madam President, last November was one of those truly rare moments in the short history of our country and our democracy. Any political science student taking a freshman lecture, of course, will hear how incredibly hard it is to remove entrenched congressional majorities. They know the statistics about how hard it is to defeat incumbents around here. It doesn't happen that often. But sometimes, the American people rise up in one moment, as they did last November, and they make history. Just six times in our 230-year history has one party lost both Houses of Congress, and 2006 was the first time the Republican Party failed to win a single House, Senate, or gubernatorial office previously held by the Democrats.

We Democrats have been in that predicament. In 1994, Democrats woke up to a landslide defeat some people thought would never come. It wasn't always easy, it wasn't always collegial, but we listened and we learned. Together, we reached across the aisle to balance the budget and reform welfare. We wrestled with why we had lost, and we wrestled with what we had to do in order to come together—not just as a party but as a country.

Evidently, some people still haven't wrestled with what happened last November 7.

Last November, Americans were appropriately angry. They saw our young men and women in uniform paying the ultimate sacrifice in Iraq for a failed policy that was stuck on autopilot. They saw the number of Americans without health insurance skyrocket to 45 million, with more hard-working Americans joining them every day. They saw record-high oil prices and global climate change—a reality denied and deferred and no serious national effort to address these issues. They saw staggering corruption and no accountability for the way the people's House had been turned into a refuge for the special interests. Americans saw a politics and a party that was broken, and they rejected the stubbornness, cynicism, corruption, and failed policies that made ''Washington'' a dirty word. They voted for a change.

President Bush seemed to get the message the day after the 2006 election when he said to America:

> The message yesterday was clear. The American people want their leaders in Washington to set aside partisan differences, conduct ourselves in an ethical manner, and work together to address the challenges facing our Nation.

The President said he got the message, but the question has to be asked: What have Republicans done since then? Where are they 6 months after their worst electoral defeat in 50 years? What happened to the President's post-election statements when measured against the President's actions and those of the Republican minority in the Senate? Those actions tell a very different story. Before the dust had settled, before defeated Republicans had even cleaned out their offices, this President and his remaining allies in Congress have made a calculation, on issue after issue, that they would just set out to stop everything from happening and then they would turn

around and they would ask: Why is nothing happening under the Democrats? This is a pure political calculation. It is wrong for the country, and I respectfully would suggest, ultimately, it will be wrong for the party. They would rather spend their time attacking HARRY REID than attacking the Nation's problems. Delay is no longer just a former Republican leader; it has become a Republican way of life.

We have been busy debating progress in Iraq around here and measuring benchmarks. I can't help but think as we talk about measuring benchmarks that pretty soon the Iraqi Government is going to wonder whether the Republican caucus is going to meet any of its benchmarks or any of the country's benchmarks.

For 6 months now, the Democratic majority has worked in good faith to deliver on our promises to the American people. Because of the Democratic majority, the minimum wage earner in America now makes 70 cents an hour more than they did under a Republican Congress—and soon they will be making $2 more. The longest streak without a raise in the minimum wage in the history of the minimum wage has ended but not before 4 months of Republican obstruction cost each minimum wage earner in America around $500 in earnings.

We passed legislation to make college more affordable and cut interest rates in half for millions of Americans with student loans. We stood up to powerful special interests and raised the fuel efficiency of our automobiles by 10 miles per gallon. Twenty years had passed since Washington raised the fuel standards, but Democrats took on the special interests and got it passed. We passed funding for stem cell research. We passed the 9/11 Commission recommendations. We passed ethics and lobbying reforms.

Just yesterday, we passed legislation that will fix many of the shortfalls in our care for injured troops and veterans, and, over yet another White House veto threat, we also passed a 3.5-percent raise for members of the military. Most importantly, we passed legislation demanding that the President face reality and begin redeploying troops from Iraq.

Regrettably, there is, on almost every one of these issues, today as I stand here a gap between how many of those policies that are aimed to help everyday Americans, which enjoy the majority support of the Senate, and how many have actually been signed into law. Why? One simple reason: The President and his allies in Congress have decided to use every means at their disposal just to slow it down and block it, to stand for a policy of obstruction and obstruction and obstruction, not accomplishment for the American people. They have vetoed and filibustered and killed bills in conference. They have wasted days and days with procedural motions and delays that have nothing more to do in their purpose than to waste time and squander the trust and patience of the American people and, ultimately, to hope to be able to blame it on the Democrats.

Just look at what they have blocked. They vetoed a Senate bill demanding a new strategy in Iraq. They vetoed a stem cell research bill, science that could prove crucial to cures for 100 million Americans with Alzheimer's or Parkinson's or diabetes or other diseases. Now, another veto is threatened on children's health care—of all things, children's health care—a veto threat on a bill the President hasn't even read, because he was worried about the price tag. Well, we are talking about our children's health, and the bill offered just $7 billion each year for uninsured children, while we spend 1½ times that amount every month in Iraq. Those are just the bills which made it to the President's desk.

Senate Republicans blocked a vote on a bill to allow the Federal Government to negotiate lower prescription drug prices for 43 million Americans on Medicare. Republicans are blocking the passage of a bill that would provide crucial funding for the intelligence community. They are blocking ethics bills that would mark the most sweeping ethics reform since Watergate. They don't have the votes to stop it, so they are pulling a procedural maneuver and refusing to appoint conferees in order to hammer out the final details of the bill.

The Republicans are now setting records for filibusters and obstruction. The Senate record for filibusters is being set already, and it is only halfway through this term. To paraphrase Winston Churchill: Never, in the field of Senate legislation, was so much progress blocked for so many by so few.

Actually, they have made history, I suppose, because thanks to the Senate Republicans, L.A. is no longer the center of gridlock in America—it is right here. On issue after issue, the Republicans have chosen to filibuster—and to do so just 2 short years after they declared the filibuster, as their then-leader, Bill Frist, said in late 2004, ''nothing less than the tyranny of the minority.'' After expressing outrage at the mere hint of a Democratic filibuster last session, the Republicans have suddenly become the principled champions of so-called minority rights in the Senate, but minority rights apply to legitimate filibusters for legitimate issues, not a policy of obstruction to stop everything that comes along.

After threatening the so-called ''nuclear option'' when Democrats stood up to defend the Arctic National Wildlife Refuge, they have introduced a filibuster to stop everyday business in the Senate. Almost everything the majority leader tries to do here now requires us having a cloture vote in order to prevent a filibuster. In fact, the rubberstamp Republicans of the previous 7 years have now become the roadblock Republicans. The party of Abraham Lincoln has become the party of redtape—vetoes, filibusters—any means necessary to deny the will of the majority of the Senate and the vast majority of the American people.

If you don't believe me, listen to what the minority whip, Senator TRENT LOTT, told a reporter just this April. He said:

> The strategy of being obstructionists can work or fail, and so far, it is working for us—

The ''us'' being the Republican Party and the minority in the Senate.

Well, I think the Senator is looking at it the wrong way. The question isn't, Is it working for Republicans, is it working for Democrats? The question is, Is it working for the American people? Is it working for the millions of low-income children whose health care funding the President has threatened to veto? Is it making us safer when you block the funding for the intelligence agencies? Is this obstructionist strategy working for the 12 million Americans forced to live in the shadows of American life while our borders stay broken? Is it working for the 554 soldiers who have died in Iraq since Republicans first blocked a measure to redeploy troops last February?

Instead of the Senate's highest shared principles of consensus and bipartisan accomplishment, the Republicans have chosen the lowest common denominator—a zero sum game in which they are willing to gamble the American people's loss for Republican gain. The Republican strategy seems to be to slash the tires of the Senate and then wonder why we are still stuck on the side of the road and blame somebody else for that problem.

Let me be clear what I am criticizing here. I support the right of the minority to filibuster. In fact, I have done so myself. Every Senator in this body has that right. I support that right. But when filibustering not for the principle of the issue at hand but for the generic, broad strategy of stopping what happens here so you can blame the party in charge for not being able to finish the work, that is unacceptable.

The rights of the minority in the Senate ought to be protected, but they also ought to be used responsibly too. Do I have a problem with time?

The PRESIDING OFFICER (Mr. SALAZAR). Yes.

Mr. KERRY. I ask unanimous consent for a few more minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KERRY. Mr. President, obstruction for obstruction's sake is not in the best traditions of this great institution. It is the worst kind of cynical political calculation. I think all of us on our side would join in voting to protect the right of the minority to be able to filibuster. We all understand that what goes around comes around, and the time may come when we again may be in the minority. We Democrats don't want to use the nuclear option. We are

not even talking about it. We want to pass bills. We want to pass bills that are supported by a majority of people in the Senate, including Republicans, and certainly supported by the majority of Americans.

I say to my Republican colleagues that there is a better way to do business. We can work together and actually do something positive for the American people. All of us know this is a uniquely challenging moment for this country. We face new threats and hurdles no generation has faced before. We ought to be working together to solve those problems. The only chance this Senate has to make a real contribution to history is to make a bipartisan contribution. That is the only way the Senate meets its own expectations.

Some of the great legislative accomplishments in recent memory came under mixed Government, when both sides of the aisle came together.

In 1981, Ronald Reagan saw that Social Security was in danger of going bankrupt and placed a call to the Democratic speaker of the House, Tip O'Neill. They realized that at the end of the day, nobody would solve it if they didn't. So they got together and took the politics out of a tough and unpopular vote. The deal they struck kept Social Security afloat. Neither man could have done it without the other. Neither party could have done it without the other.

We all know the limits of a politics of division, of partisan sectarianism. A politics of division can rush our country into war, but it cannot sustain our trust or the war itself. A politics of division has no answer for 12 million undocumented workers in our houses, fields, and factories. It has no answer for 45 million Americans with no health insurance, no answer for icecaps that are melting or a failed policy in Iraq. The politics of division is bad for America—from the Parkinson's patient to the undocumented immigrant to the soldier in Iraq. Nobody is benefiting from Republican obstructionism.

It is also bad for the Senate. This Senate has been known as the greatest deliberative body in the world. But there is nothing deliberative about partisan sabotage. There is nothing deliberative about blind obstructionism.

The ongoing debate we have here is about much more than Senate procedure. At its core is a debate, really, about where we are headed in our relationship with each other, Republicans and Democrats. All of us go home and hear from our constituents about how they have lost faith in Washington. All of us want to do right by the people who elected us and try to make life better for the American people.

Any Senator who has been here for a period of time has watched the decline of the quality of the exchange on both sides of the aisle in this institution. I have seen colleagues stand up against it. I remember when Senator GORDON SMITH, in the middle a painful debate on Iraq, said:

> My soul cries out for something more dignified.

I think a lot of Senators on both sides of the aisle are concerned for the Senate. Voters want a debate over ideas, not a war of words; a choice of direction, not a clash of cloture votes. The stalemate we have now is not what the Senate is renowned for. This is called, as I said, the greatest deliberative body in the world, a place where people on both sides can find common ground and get good things done for other people.

Ultimately, we are accountable to the American people—accountable for false promises, accountable for failure to address issues we promised to address, whether it is energy independence or military families who lose their benefits. We are accountable.

Mr. President, a filibuster to stop all progress, then claim Democrats aren't doing anything, is a failed strategy. It is a failure because it doesn't put the American people first. I believe the American people will hold a party of obstruction accountable. I hope that will change.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 2505

Mr. DORGAN. Mr. President, my understanding is that by unanimous consent, we have a vote scheduled at 2 o'clock.

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. I know of no opposition to the amendment I have offered. Are there those on the minority side seeking to use time against the amendment?

The PRESIDING OFFICER. The Senator has 7 minutes under the unanimous consent order.

Mr. DORGAN. Mr. President, I ask unanimous consent that Senator CONRAD be recognized for 4 minutes.

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

The Senator from North Dakota, Mr. CONRAD, is recognized.

Mr. CONRAD. Mr. President, it has been 2,144 days since 9/11. We all remember the day our Nation was attacked. That attack was led by Osama bin Laden, the leader of al-Qaida. At the time, the President said:

> This act will not stand. We will find those who did it. We will smoke them out of their holes. We will bring them to justice.

Mr. President, 2,144 days have passed, and still we have not brought Osama bin Laden or al-Zawahiri or the rest of the top leadership of al-Qaida to justice. These are the people who led the attack on our country. It wasn't Saddam Hussein and Iraq; it was Osama bin Laden and al-Qaida. Yet this Nation lost focus under the leadership of this administration.

I think the most striking story of all is this from the USA Today in late March 2004:

> In 2002, troops from the 5th Special Forces Group who specialize in the Middle East were pulled out of the hunt for Osama bin Laden in Afghanistan to prepare for their next assignment: Iraq. Their replacements were troops with expertise in Spanish cultures.

Mr. President, there are not a lot of Spanish speakers in Afghanistan or in Pakistan. That is where Osama bin Laden is still lurking, still hiding, still waiting to strike our country.

This amendment says: Let's remember who attacked America, and let's finish business with him and his al-Qaida network.

Mr. President, we have now learned this week, according to the New York Times, that a 2005 raid on al-Qaida chiefs was called off at the last minute by Secretary Donald Rumsfeld:

> The mission was called off after Rumsfeld rejected an 11th hour appeal from Porter Goss, Director of the CIA. Members of the Navy Seals unit in parachute gear had already boarded C–130 cargo planes in Afghanistan when the mission was canceled.

This amendment says: Let's put the focus back on Osama bin Laden and al-Qaida. Let's finish business with the people who attacked America.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota, Mr. DORGAN, is recognized.

Mr. DORGAN. I ask unanimous consent to use the remaining time.

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

Mr. DORGAN. Mr. President, my understanding is that we have a 2 o'clock vote on this amendment. This amendment is one Senator CONRAD and I had offered on the Defense authorization bill. That bill, as you know, is no longer on the floor of the Senate. So we offer it now to this legislation. Just as my colleague from Louisiana has previously offered an amendment with respect to the objective and the priority of eliminating the leadership of al-Qaida, this amendment we offered about 2 weeks ago would do two things: increase the reward for Osama bin Laden and the leaders of al-Qaida; No. 2, and most important, it would require quarterly top-secret classified briefings to this Congress every quarter about what is or is not being done to bring to justice, to capture, or kill the leadership of al-Qaida.

Why do we want to do this? It has been nearly 6 years since thousands of Americans were murdered—innocent Americans murdered by Osama bin Laden and al-Qaida. They boasted about engineering the murder of innocent Americans.

Here is what last week's National Intelligence Estimate says:

> Al-Qaida is and will remain the most serious terrorist threat to the homeland.

That doesn't need much interpretation. The most serious threat to our homeland is al-Qaida.

> We assess the group has protected or regenerated key elements of its homeland attack capability, including a safe haven in the Pakistan federally administered tribal areas, operational lieutenants, and its top leadership.

Does anybody in this country believe there ought to be a safe haven on this

planet for those who boasted about murdering thousands of innocent Americans? Does anybody believe there ought to be secure hideaways or a safe haven for the leadership of al-Qaida that, today, in the mountains somewhere, are planning attacks against this country?

Why, after 6 years, are we not successful in bringing to justice and limiting the leadership of al-Qaida? It is not as if we don't know all of this.

This is in June:

Al-Qaida regroups in new sanctuary on the Pakistan border.

While the U.S. presses on in its war against insurgents linked to al-Qaida in Iraq, bin Laden's group is recruiting, regrouping, and rebuilding in a new sanctuary. . . .

This is from the New York Times in February:

Terror officials see al-Qaida chiefs regaining power.

Senior leaders from al-Qaida are operating from Pakistan near the Afghan border, according to American intelligence and counterterrorism officials.

How much more do we need to understand? We have soldiers in Iraq going door to door in Baghdad in the middle of a civil war, where Sunni and Shia are killing each other and Sunni and Shia are both killing American soldiers. In the middle of a civil war, we have soldiers going door to door in Baghdad and, in the meantime, we have al-Qaida building training camps in a secure hideaway between Pakistan and Afghanistan. And today, this afternoon, they are planning additional attacks against our country. That is unbelievable to me.

Mr. President, in August 2001, the Presidential daily briefing given to this President said the following:

Bin Laden Determined to Strike in the U.S.

That was the title. Nearly 6 years later, we now have intelligence assessments with this title:

Al-Qaida better positioned to strike the West.

That is what I call failure.

We must succeed. That is why we ask with this amendment for quarterly classified top-secret briefings to this Congress to tell us what they are doing or what they are not doing to bring to justice and to eliminate the leadership of al-Qaida. It is unbelievable to me that Osama bin Laden, who boasted of attacking this country, now apparently is in a secure hideaway or a safe haven. Nowhere on this small planet should there be somewhere safe for the leader of the organization or the leadership of the organization that launched the attack on this country in 2001. It is unbelievable to me that we are in this situation.

Now, the President said this when asked about it:

I don't know where bin Laden is. I have no idea and really don't care. It is not that important and it is not our priority.

Those are the words of President Bush.

Let me read the words of the National Intelligence Estimate of last week that came out from this administration:

Al-Qaida is and will remain the most serious terrorist threat to the homeland.

Maybe we ought to modify that statement of the President because it ought to be our priority. That is what this amendment is about. It should have been our priority 4 years ago, 5 years ago. It ought to be our priority today. I know of no more important priority for this country than dealing with the leadership of al-Qaida and eliminating the greatest political threat and the most serious terrorist threat to our homeland. That is what our amendment does.

I hope the Senate will once again agree to this amendment and establish this as a preeminent priority for this country.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. Mr. President, it is my understanding no time remains and we will go to a vote immediately; is that correct?

The PRESIDING OFFICER. The question is on agreeing to the amendment as under the previous order.

Several Senators addressed the Chair.

Ms. LANDRIEU. Mr. President, I ask unanimous consent for 2 more minutes on this subject, and then we can go to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Reserving the right to object, will the Senator modify her request to allow me 2 minutes before we go to the vote?

Mr. DURBIN. Objection.

The PRESIDING OFFICER. Does the Senator so modify her request?

Mr. DORGAN. What is the Senator's request?

The PRESIDING OFFICER. The Senator from Louisiana has asked for 2 minutes. The Senator from South Carolina has asked to modify that request for 2 minutes.

Does the Senator from Louisiana so modify her request?

Ms. LANDRIEU. I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, in fairness, as I have seen Republican amendments taken down with rule XVI, I raise a point of order that the pending amendment constitutes legislation on an appropriations bill and violates rule XVI.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that we consider the amendment I have offered, notwithstanding rule XVI.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object.

The PRESIDING OFFICER. Objection is heard. The point of order is well taken and the amendment falls.

The Senator from Washington.

Mr. DEMINT. I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I believe I have the floor. 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 are in the twilight zone. We are on an appropriations bill. An amendment was offered subject to a point of order. The point of order was raised and sustained by the Chair. And now the person who won wants to appeal the ruling of the Chair.

Mr. DEMINT. Will the Senator yield?

Mr. REID. I will be happy to yield for a question.

Mr. DEMINT. I thank the leader. We were rushed, and I didn't have a chance to explain what I was trying to do. As I was listening to the debate of the last couple of days, I have seen rule XVI used against LINDSEY GRAHAM's bill. I have seen other Republican bills, such as DAVID VITTER's, taken down because it violated rule XVI, legislating on an appropriations bill. Yet when I heard Senator DORGAN's amendment, I realized there was a double standard. We were being inconsistent. It was OK to legislate on a Democratic bill but not a Republican bill. My intent was to make a point, to raise a point of order that Senator DORGAN's amendment does violate rule XVI. But when the Chair ruled, I appealed the ruling of the Chair, which the Parliamentarian said she did not hear. But what I wanted to vote on was the ruling of the Chair to establish are we going to use rule XVI against Republicans but not Democrats; are we going or are we not going to have a fair debate?

Obviously, our preference would be not to be legislating on appropriations bills, but if we are going to do it for some, we should do it for all.

In this case, I say to the leader, my hope had been to vote on an appeal of the ruling of the Chair, which I had asked for, but was not recognized apparently, before we went into a quorum call.

Mr. REID. I say to my friend, you won. The rule XVI you raised and you won. The amendment falls. And it is a Democratic amendment.

Mr. DEMINT. I had asked for the yeas and nays on appealing the ruling of the Chair because that was my intent, to question whether we should be legislating on appropriations bills. That was more of a vote on rule XVI than it was the Dorgan amendment. That is what I was here for, to ask for a vote on appealing the ruling of the Chair,

which was my language: ''I appeal the ruling of the Chair and ask for the yeas and nays.''

Mr. REID. Just a second; I have the floor.

Mr. DORGAN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield for a question.

Mr. DORGAN. Mr. President, the Senator from Nevada and others were in the well a moment ago when Senator DEMINT indicated what he wanted was a vote on my amendment. I said that is fine, withdraw your objection and we will have a vote on my amendment. Apparently, that is not what he wanted because the Senator offered an objection relative to rule XVI. The Chair sustained the Senator's objection, and because the Senator won, he was not satisfied and wanted to do something further.

I don't have the foggiest idea what might be the motivations here. If the Senator from South Carolina wants a vote on my amendment, all he has to do is withdraw his objection, and we can have a vote in 30 seconds. If there is some other nefarious purpose here, then maybe the Senator might explain it to us.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, that is why I said I think we are kind of in a twilight zone here. The Chair is not partisan. The Parliamentarians who serve at our pleasure, Democrats and Republicans, are not partisan. They go by the rules and the precedents set in this body.

Mr. LOTT. Mr. President, will the distinguished majority leader yield for a question?

Mr. REID. I will be happy to yield to my friend. I will say to my friend, he and I were on this floor and we danced this tune once before. It took us 4 years to unwind from it. That is why the vote yesterday was so important.

Mr. LOTT. That is what I wish to comment on, Mr. President, if the distinguished Senator will yield briefly. Without getting into the substance or without questioning anybody's motives, it is important that we understand—and I can put this in the form of a question to the majority leader—if, in fact, this appeal of the ruling of the Chair should succeed, that would do away with rule XVI, as I understand it, and then we would all have a grand old time legislating on appropriations bills.

Before the leader responds, let me say there are pent-up feelings on this side, probably on your side: Well, we can't get the authorizations and some of the language we want and the appropriations bills may be about the only thing moving through here, in some respects, and we want to have an opportunity to legislate on appropriations bills. But here is part of my concern, honestly. I don't think we can win that battle against the other side. I suspect you all would wind up legislating more than we would on appropriations bills.

Mr. President, I think we need to calm down around here. There is a rule on the books for a reason. For good reason we took an action that knocked it out a few years ago. I learned painfully what a mistake that was. We should not be legislating on appropriations bills. You can make a good-faith effort around here if you want to do that. I think this action would cause some consequences we would not want, if we look at it in the future.

Am I stating this correctly, I ask the majority leader?

Mr. REID. Mr. President, our roles were reversed too many years ago when I had his job and he had my job, and it was a very difficult time. Even everything being in order, to move these appropriations bills is hard, and then anybody can offer anything on them. The key to these appropriations bills is you deal with matters of appropriation, not some of the subjects people have thrown into them all the time.

As my friend said, there is a lot of frustration. The House can move a lot of authorizing legislation. We cannot over here. So there is a tremendous temptation to stick in these appropriations bills all kinds of authorizing legislation that shouldn't be on appropriations bills.

I plead to my friend from South Carolina: It doesn't prove anything to have us vote on something—you have already won. I will also say this. The only partisan nature of raising points of order is we try—it usually works out that way—if there is a Republican who violates a point of order, a Democrat who is the manager of the bill will raise a point of order; if it is a Democrat, then a Republican will raise a point of order. That is the only partisan nature of raising points of order.

Mr. LOTT. Mr. President, will the distinguished majority leader yield briefly?

Mr. REID. I will be happy to yield.

Mr. LOTT. Mr. President, I feel a necessity at this point—and I will follow it with a question—to also say that I understand the right of the Senator from South Carolina to do this procedure. I am not questioning that at all. I think the result would be one that would not be good for the institution, and I think we would be abusing it on both sides.

But also I want to emphasize the right of a Senator to modify his own amendment. I wasn't here when the discussions took place with regard to Senator VITTER's modifying of his own amendment, and I know that has caused some consternation.

Mr. President, if I could say to the majority leader, wouldn't it be better for this institution if we would not get in the position of questioning each other's motives? I realize we have to be honest with each other, and I understand what everybody is doing. I understand the amendment on Osama bin Laden. Yes, we want to catch him, and I know there is a lot being done—and I won't get into the intelligence—and I understand what Senator DEMINT is doing, but I would hope this would give us an opportunity, in a bipartisan way, for the sake of this institution, to step back, to calm down, and to stop trying to do these things to each other on both sides of the aisle.

I am grandstanding, and I apologize, but my purpose is to try to say to the institution, to our people, I hope we will find a way to avoid this. I think it would be a mistake, and I assume the majority leader agrees with that.

Mr. REID. Mr. President, I appreciate my colleague, calling on his years of experience, to try to settle things down.

I would say that, perhaps with Senator VITTER, giving him the benefit of the doubt, maybe there was a misunderstanding in the conversation. That is totally possible. Maybe he didn't understand the rules. Maybe he didn't do one thing and say something else, and I accept that, if in fact that is the case.

So I think what we should do is, I am going to ask a quorum call be started, and then we will huddle over here and see if we can work all this out.

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. 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, due to the good work of my friend from Mississippi and others, on both sides, here is what we are going to do. There has been a point of order raised against the Dorgan amendment, and that has been sustained. So that amendment will fall. And in the order of amendments filed, Senator VITTER's is at No. 11 or 12; OK?

Senator VITTER, when he had his conversation with Senator COCHRAN, Senator MURRAY, and me, was under the impression he could still modify his amendment. We thought differently. It was just a misunderstanding. Maybe we have been around here too long—I shouldn't say ''we.'' Maybe I have been around here a long time and just accept things for the way they appear to be and not sometimes the way they are. Senator VITTER has said there was nothing nefarious in what he did. He just assumed he could automatically modify that. And under the rules, he could.

So we will go back right where we were. No one is accusing Senator VITTER of anything that is illegal or unethical. It was simply a misunderstanding among the four of us. So anything I have said earlier today, based on my misunderstanding of him and what his thoughts were, just forget about them because based on the conversation I have had with him in the last few minutes, that wasn't the case. So I shouldn't have been as upset, and

Senator MURRAY shouldn't have been as upset as she was. Senator COCHRAN was his usual stoic self trying to lead us in the right direction, which we didn't go.

Mr. VITTER. Mr. President, will the majority leader yield?

Mr. REID. I will be happy to yield.

Mr. VITTER. I thank the majority leader.

First of all, I appreciate those words very much, and I certainly want to reiterate that I never thought I was waiving what I considered my ability as a Senator to modify my own amendment and try to get a vote on my own amendment in the form I would like. So I appreciate the comments of the leader in that regard.

I also want to point out that I was actually modifying the amendment in order to get rid of this point of order and the fact that it, in a previous form, would have legislated on an appropriations bill, which we are trying to avoid. So I was trying to avoid that with regard to my amendment.

But I appreciate the comments, and I look forward to moving forward.

Mr. REID. Finally, Mr. President, let me say, I haven't mentioned his name but, of course, the distinguished Republican leader, being involved in this little huddle that took place, had a tremendous influence on our ability to work this out. I would say—and I hope I don't jinx anything we are working on now—what I would really like us to do is to see if in the foreseeable future we can work out a time on this bill for final passage. No one has had any amendments being prohibited. If people don't want to have final passage in the next 24 hours or so, that's fine.

As I have said before, I don't want to file cloture. We can just keep grinding through the weekend, but I would rather not do that.

Sometime today we are going to see if we can move to the conference report that Senator LIEBERMAN has so masterfully brought back to us dealing with the 9/11 Commission recommendations. He, of course, worked with Senator INOUYE and others to get this done, and so we will do that at a later time. But I wish everyone would work—certainly the two managers of the bill—to see when would be an appropriate time to see about a time for final passage.

Remember, we have this bill to complete. We have to work on children's health. We have two conference reports—there may be three conference reports—and that is all we have to do. But we have to go through all the procedural hurdles, and that may take longer than any of us wants to get through in the next few days.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. Mr. President, I thank the distinguished minority whip, Mr. LOTT, for pointing out for the Senate a few moments ago the importance of rule XVI. I also want to thank the junior Senator from South Carolina for understanding, as well, that is a rule that has occasionally been reversed and restored in the Senate, and I think it is important to most of us that it continue to be in effect.

I also thank the majority leader and Senator VITTER for the colloquy we just heard. I think it is entirely possible for us to conduct our business in a civil fashion. I think we have just experienced a good example of the Senate working together on a bipartisan basis to get back together and to begin to move forward and finish this bill as soon as possible. Certainly, I share the views of the majority leader that we need to wrap up this bill in the very near future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank all our colleagues for working with us to a point where I hope now we can start working through the amendments.

I call for regular order at this point, and I would remind all of us that I have about 12 or 13 amendments that have been offered. I know several other Senators have asked to be recognized to offer amendments. We want to work our way through all of these in a timely manner in regular order. We will be doing that this afternoon. So I ask Senators to stay close by the floor so we can move them through as quickly as possible. Hopefully, we can get time agreements on them in short order and dispose of them in whatever way is appropriate.

At this time, I call for regular order.

AMENDMENT NO. 2468

The PRESIDING OFFICER. The Landrieu amendment is the pending amendment.

Mr. COCHRAN. Mr. President, I make a point of order against the Landrieu amendment, that it is legislation on an appropriations bill, in violation of rule XVI.

Ms. LANDRIEU. Mr. President, how much time do I have to speak on the amendment? Is there any time allocated on the amendment?

The PRESIDING OFFICER. The point of order is not debatable.

The Senator from Washington.

Mrs. MURRAY. Mr. President, at this point we would like to move to regular order. The next amendment pending is the Grassley-Inhofe amendment.

I understand the Senator from Louisiana would like 2 minutes just to discuss the amendment that just fell, so I ask unanimous consent that she have 2 minutes.

Ms. LANDRIEU. Mr. President, reserving the right to object, let me ask the distinguished minority manager of the bill for just 10 minutes to speak on my amendment, and then he can speak on the point of order?

The PRESIDING OFFICER. The point of order has been raised.

Ms. LANDRIEU. I ask unanimous consent to speak for 5 minutes on my amendment.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, in the interest of comity, I will agree, but may I bring up two amendments that have already been filed while I am here?

Mrs. MURRAY. I object at this time. I have a number of Senators who are asking us to call up amendments. We would like to work with all of you to do that in a regular fashion. Maybe we can do that after the Senator from Louisiana is speaking, but at this point we are going to allow the Senator from Louisiana to speak and then move back to regular order, which will then be the Grassley-Inhofe amendment, No. 2444.

The PRESIDING OFFICER. Is there objection to the unanimous consent request propounded by the Senator from Louisiana?

Without objection, it is so ordered.

Ms. LANDRIEU. I thank the Chair, and I can appreciate the situation we are in with the point of order being raised against the amendment, but as you know, Mr. President, I offered this amendment in good faith last night and spoke at some length on the amendment. I was under the impression that before we voted I would have the opportunity to speak on the amendment. Since that didn't happen, I appreciate the goodwill of my colleagues to at least allow me 5 minutes to speak, although the amendment has a point of order called against it.

My amendment actually proposes $25 million on this appropriations bill. I don't know where else to appropriate money except on an appropriations bill, and that is basically what my amendment does. It is a two-page bill, and it appropriates $25 million to the CIA to give them some extra resources to try to track down the No. 1 terrorist and his network that is threatening our country.

This amendment was prompted not out of politics or spite, it was prompted out of last week's National Intelligence Estimate that has been referred to now several times on both sides of the aisle. This did not come from a Democratic think tank or a Republican think tank, it came from the National Intelligence Estimate that says the al-Qaida network is as strong as it was before 9/11 and that Osama bin Laden is still the No. 1 target.

I offered an amendment in good faith and reached out to my colleagues to say we are on homeland security, could we find $25 million to appropriate some additional funding to the CIA? I know there are other resources, some of them are classified and some of them are not—and to clearly restate the policy that Osama bin Laden remains the foremost objective of the United States in the global war on terror and protecting the U.S. homeland, the foremost is to capture and kill Osama bin Laden.

I understand the point of order. I understand technically the Parliamentarian would probably rule against me.

But for the purposes of the constituents I am representing I wish to say I am trying but am blocked to appropriate $25 million more on a Homeland Security bill to give it to the CIA to help protect us from the No. 1 terrorist, according to our intelligence reports. That is all I wished to say.

I thank my colleagues for allowing me that moment of the record. I know the Senator wants to go back to regular order.

The PRESIDING OFFICER. The point of order is well taken and the amendment falls.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. MURRAY. I ask unanimous consent that the Grassley amendment No. 2444 be temporarily set aside; that we proceed to the Alexander-Collins amendment No. 2405.

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

The Senator from Tennessee.

AMENDMENT NO. 2405, AS MODIFIED

Mr. ALEXANDER. Mr. President, I ask unanimous consent that my amendment described by Senator MURRAY be modified. The modification is at the desk.

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

The amendment, as modified, is as follows:

On page 40, after line 24, insert the following:

REAL ID GRANTS TO STATES

SEC. ____. (a) For grants to States pursuant to section 204(a) of the REAL ID Act of 2005 (division B of Public Law 109–13; 119 Stat. 302), $300,000,000.

(b) All discretionary amounts made available under this Act, other than the amount appropriated under subsection (a), shall be reduced a total of $300,000,000, on a pro rata basis.

Mrs. MURRAY. Mr. President, I ask unanimous consent for 1 hour of debate, equally controlled in the usual form, with no second-degree amendments in order prior to the vote, and upon use or yielding back of the time, the Senate proceed to vote in relation to the amendment, as modified.

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

Who yields time? The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the Senator from Washington for her courtesy. I thank the Senator from Mississippi for his help with this amendment, facilitating its coming to the floor last night at a late hour. I am grateful to him for that.

This is an amendment which I described on the Senate floor yesterday. It is an amendment involving REAL ID. I am offering the amendment with several cosponsors, including Senator COLLINS of Maine, Senator WARNER, and Senator VOINOVICH. It is my intention to use about 10 minutes of our 30 minutes on this side and to reserve the rest of that time for Senators COLLINS, WARNER, and VOINOVICH, if they choose to come to the floor in support of this.

Mr. President, I ask unanimous consent that Senator KYL of Arizona be added as a cosponsor to the amendment.

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

Mr. ALEXANDER. Mr. President, this amendment would provide $300 million in funding to the States to implement the program known as REAL ID. It is offset with a .8-percent across-the-board cut in the rest of the bill. The total pricetag of the rest of the bill, the Homeland Security appropriations bill, is about $37.6 billion.

I will have a word to say about the offset in a moment. I know the Senator from Washington will have a few more words to say about the offsets when her time comes. I would prefer another offset, but I will talk about that a little later.

First, let me describe again what the amendment does. I would ask the Chair if I can be informed when 10 minutes has expired.

The PRESIDING OFFICER. The Senator will be so notified.

Mr. ALEXANDER. Mr. President, after 9/11, the 9/11 Commission recommended that in light of the terrorism our country faces, we begin to study how we can have more secure identification cards. A number of the terrorists had stolen cards or had fraudulent cards or had ID cards that were not real.

As a result of that, the Congress passed the Intelligence Reform and Terrorism Prevention Act at the end of 2004 which established a process by which we could look at the recommendation of the 9/11 Commission. It established a negotiated rule-making process.

Because most of the ideas about ID cards involved State and local governments, all of them involved issues of privacy, all of them involved the possibility of great inconvenience to most Americans, this negotiated rule-making process would basically create a seat at the table for representatives of all the affected groups and try to work out the most sensible thing to do.

I have historically been opposed to the idea of an ID card. When I was Governor of Tennessee, I twice vetoed the photo driver's license bill because I thought it was an infringement on liberty. But the legislature overrode me, I accepted it, and today, after 9/11, I agree it would be wise for our country, with a combination of terrorism and the difficulties within immigration, to have more secure identification cards.

The question is, which one? Then suddenly, in 2005, along came an appropriations bill for our troops, and in the middle of it, the House of Representatives stuck something called the REAL ID Act, which set minimum standards for State driver's licenses as an effort to deter terrorists from easily obtaining that form of identification.

Well, that could be a good idea. But there are 245 million Americans with driver's licenses or ID cards. Many of us send those in by mail or online to renew them. Last year in the State of Tennessee, for example, there were 1.7 million driver's licenses issued. There are 53 driver's license identification stations. I believe the only group of people who could have passed REAL ID in the dead of the night, without any hearings, were Congressmen who had never been to a driver's license examining station in Tennessee or maybe in their own State, because these are not State employees who are trained in catching terrorists. They are not equipped to deal with the large number of new responsibilities, in a State which is going to have REAL ID, that include having to come in person to that driver's license office and show a number of documents, including the Social Security card and a valid U.S. passport.

We would have to prove, I would have to prove, that I am lawfully a citizen of the United States. Our family has been here for 12 generations. Senator SALAZAR has been here for 13 generations. The Presiding Officer has written a book about the number of generations his family has been here. We would have to go down to one of these driver's license stations and prove we belonged here. Nobody else ever had to do that before in my family that I know about. But in an age of terrorism, we might have to do that.

At the very least, I would think we would want to do one of two things: One would be that in the Senate, in the Homeland Security Committee or other appropriate committees, we might want to think about whether there might be other ways to come up with a better secure identification card, rather than add that to the burden of the driver's license.

For example, most of the problems that surround the immigration bill have to do with work, people coming into this country illegally to get a job. That is what most of it is about. Senator SCHUMER and Senator GRAHAM have a piece of legislation that would create a secure Social Security card.

Now, I wonder if, over a period of years, having workers with a Social Security card that is secure, includes biometrics, and a good employer verification system, might not be a more sensible way for us to improve the question of whether we have secure identification cards.

There is the idea of more passports. Already we have a backlog because of the number of American who are getting a passport. But passports are a more secure identification. Maybe there should be a secure travel card we could use when we travel on airplanes. For example, there are a couple million

of us at a time who are up in the air. If we all had one of those cards, you begin to add all those up—you may have some driver's licenses that are more secure, a secure work card, a passport and a travel card, a variety of secure cards would begin to avoid the terrors we imagine from a ''Big Brother'' national ID card.

We remember what happened with that sort of thing in Nazi Germany and in South Africa, where you had to carry around a wallet and a portfolio describing how mixed your blood might be so they can determine your race. We do not want that in the United States.

So that would be the kind of discussion we should have had in hearings before any of this was adopted. We were going to have that with the negotiated rule-making process, before suddenly this so-called REAL ID card comes through here at night and we have to vote for it, up or down, or not send any money to support the troops fighting in Iraq and Afghanistan.

We can get an idea of what the REAL ID surge might cost by looking at what is happening right now with the passport backlog in the United States. There were 12 million passports issued in 2006. This year there are going to be 17 million because of new travel requirements. The Passport Office employees are working hard, but they grossly underestimated, or we did, what the new demand would be.

As a result, there was a backlog of 3 million passports in March. Today it is 2.3 million. The turnaround time used to be 6 weeks, now it is 12 to 14 weeks on regular service and 4 to 6 on expedited service. We have destroyed summer vacations, we have ruined weddings and honeymoon plans, we have disrupted business meetings and educational trips. People lost days of work waiting in line. If we think the passport backlog has created consternation, imagine what it is going to be like when 245 million Americans, many who have been used to renewing their driver's licenses by mail, many who have thought of themselves and their parents and grandparents as good, legal Americans, have to go to their driver's license station with a pack of documents and prove they are legally here.

Then they might get right up to the door and somebody says: You forgot one thing, and they have to go all the way back home, get it, and stand back in line again. I bet we get more calls on that than we did on immigration.

There is another problem I would like to describe. It is one I am trying to address with this amendment. I am trying to provide three hundred million dollars next year to help States who wish to comply with REAL ID pay for it. Now, not all States will take advantage of this because 17 States have already

The PRESIDING OFFICER (Mr. NELSON of Nebraska.) The Senator has used 10 minutes.

Mr. ALEXANDER. I will continue with my time because I do not see Senator COLLINS or Senator WARNER or Senator VOINOVICH. I will take another 4 or 5 minutes. If they don't come, then I will give back my time, except a minute or two to the Senator from Washington and let the Senator from Washington be recognized.

But let me talk about the money a minute. Seventeen State legislatures, including Tennessee, have passed legislation against REAL ID. We do not want it. We want something else. But for those who do have it, they have to get cracking because it says here: States have to be ready to comply with these new measures by May of next year.

The Department of Homeland Security has not even issued final regulations about what the compliance must be. But the Department, thanks to the good work of Senator COLLINS and others with an amendment we had earlier this year, has agreed to grant waivers to States for delayed implementation. So States have a little bit of time to work on this, if they choose to.

But 17 States do not want to. However, we have a principle here called federalism. Much of it is incorporated in the 10th amendment to the Constitution. I see our constitutional expert, the Senator from West Virginia, on the floor. When I was Governor, I said on the floor many times, nothing made me madder than when some Congressman or Senator would stand up with a big idea, pass it, hold a press conference taking credit for it, and send the bill to me. I would have to either raise tuition or cut this or change that, and then that same Congressman would be home making a big speech about local control the next weekend.

I did not like that. It was called unfunded Federal mandates. I have also stated many times on this floor that the Republican Congress got elected in 1994 running against these mandates. They stood on the steps of the Capitol in 1994 with Newt Gingrich. They said: No more unfunded mandates. If we break our promise, throw us out. Maybe that is one of the reasons they did throw us out, because we forgot that promise.

We forget it with REAL ID because, according to the National Governors Association, implementing it would cost $11 billion over 5 years. The Department of Homeland Security itself expects the cost to reach $20 billion over 10 years.

Today, the Federal Government has appropriated only $40 million for the States to comply with those mandates, even though it could cost $20 billion over 10 years.

We are not supposed to be doing that. If we want to require it, we should pay for it. My view of unfunded mandates is we ought to either fund REAL ID or we ought to repeal it. We should not require it unless we are going to pay for it. I see the Chair, the distinguished former Governor himself, the Senator from Nebraska. When I described how I felt about unfunded mandates as Governor of Tennessee, I imagine he felt exactly the same way. I have sought, working with Senators COLLINS, WARNER, VOINOVICH, and KYL, to identify a way to begin to deal with this issue of the unfunded Federal mandate. That is where this $300 million amendment comes from.

The National Governors Association met last weekend. They issued the following statement regarding REAL ID:

> If Congress is truly committed to transforming REAL ID into a reasonable and workable law that actually increases the security of our citizens, it must commit the Federal funds necessary to implement this Federal mandate. As the Senate considers the Homeland Security appropriations bill for fiscal year 2008, the Nation's Governors urge Senators to support Senator ALEXANDER's efforts to begin funding the mandates imposed by REAL ID. States estimate the cost of REAL ID will exceed $11 billion over 5 years, including $1 billion in up-front costs merely to create systems and processes necessary to implement the law and prepare to re-enroll all 245 million driver's license and identification cardholders. To date Congress has appropriated only $40 million to assist States.

I only have one more point to make. Then I will yield the floor and reserve the remainder of the time.

The chairman of the Appropriations Committee and the ranking member allowed me to discuss this and bring up this amendment during committee deliberations. I thank them for that. I offered offsets from other funds that States were receiving. A majority of the members of the committee didn't like the offsets. That is not so unusual in the world in which we live. My amendment was defeated in the Appropriations Committee. I am coming to the floor with a different offset. It is 0.8 percent across the board cut in the rest of the bill. I know very well that the chairman of the committee and the chairman of the subcommittee and other Senators don't like that offset, but I suggest to my colleagues that there are others of us who don't like underfunded Federal mandates. If the Congress is going to impose on the States a $20 billion cost over 10 years, then we should pay for it. We have only appropriated $40 million.

As the Governors said, it is time for us to move ahead and appropriate $300 million this year, only a downpayment on what we should pay, and if the offset we adopt today is not the one the chairman and others would prefer, then perhaps there is an opportunity during conference on an this appropriations bill of $37.6 billion to make that adjustment.

I thank the managers of the bill for giving me a chance to bring the amendment to the floor. I will yield the floor and wait to see if Senator COLLINS or others decide to come. If they do not come, I will yield back the rest of my time except for 2 minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very able Senator from Tennessee

for his amendment. It highlights another shortcoming in the President's budget. When it comes to homeland security, the President—and I speak most respectfully of the President; I always do—likes to rob Peter to pay Paul. Regrettably, in an effort to help States deal with the cost of REAL ID, the able Senator proposes to do the same thing. The able Senator proposes to do the same thing by using an across-the-board cut. I don't like across-the-board cuts. That cuts into programs that hit a lot of people, all good people.

I rise to oppose the amendment. The President's budget fails to address the mandate imposed on States by the REAL ID Act. According to the National Governors Association, it will cost States $11 billion to implement the REAL ID Act.

Yet the budget did not include one thin dime to help the States with this Federal mandate. Meanwhile, the Department has let $35 million which Congress appropriated in 2006 for REAL ID implementation sit in the Federal Treasury unspent for almost 2 years.

Let me say that again: The Department has let $35 million—that isn't just chickenfeed—which Congress appropriated in 2006 for REAL ID implementation to sit in the Federal Treasury unspent for almost 2 years. I share the concern of the Senator that this law, which was jammed down Congress's throat in an unamendable war supplemental, will impose serious costs on our States. However, given that there is $35 million still sitting at the Department and that we have no request from the White House, this bill is not the place to fix this problem.

This amendment would hamper the Department's ability to secure the Nation. For example, this cut would result in the reduction of 416 transportation security officers at the same time air travel has been increasing approximately 3 percent each year and the TSO workforce has decreased or stayed flat each year. It would also occur at a time when the aviation sector is at a heightened alert status. Let me say that again: It would also occur at a time when the aviation sector is at a heightened alert status. The Federal air marshals would reduce coverage of critical flights. The Coast Guard would be unable to respond to projected search-and-rescue cases, thus endangering the lives of citizens and property, interdict a projected increase in migrants, marijuana, and cocaine, and remediate anticipated oil and chemical spills, further degrading our natural resources. This cut would delay the recapitalization of the Coast Guard's fleet, further exacerbating maritime and aviation operational gaps.

The President's budget requested—and the committee supports—funding for 3,000 new Border Patrol agents. Furthermore, this reduction would cut that increase in agents to 24. Additionally, the National Guard forces currently supporting Operation Jump Start on the southwest border assisting the Border Patrol will begin leaving the border this summer. Once again, the Border Patrol will be forced to move agents back from the border to perform administrative duties.

Additionally, the committee's bill includes funding to support a total of 4,000 new detention beds, bringing total detention beds to 31,500. Moreover, this reduction would cut that increase by 32 beds. Are you listening? Given that the average length of stay in a given detention bed is approximately 40 days, losing 32 beds means we have lost the space to detain approximately 300 illegal aliens annually. Are you still listening? We have spent the past 2 months debating immigration reform and the need for detention beds. A cut like this turns that debate on its head.

The President's budget requested and the committee bill supports funding of $1 billion—that is $1 for every minute since Jesus Christ was born—for fencing infrastructure and technology along our still porous border.

If we have learned nothing during the debate on the immigration bill, it is that the American people and a majority of the Senate want to secure our borders. Let me say that again: If we have learned nothing during the debate on the immigration bill, it is that the American people and a majority of the Senate want to secure our borders. A cut like this moves us in the exact opposite direction. First responders' State formula grants would be cut below the fiscal year 2007 enacted level; ironically, the level approved under a Republican-controlled Congress.

The practical implication of this will be: First responders will go without up-to-date personal protective equipment; fewer critical infrastructure facilities, including chemical and nuclear, will have a security buffer zone; public transportation, a known target by terrorists overseas, will be less secure.

I urge my colleagues to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thought the distinguished Senator from Tennessee made a very compelling argument about this amendment, which he has offered. We have heard him discuss his ideas on federalism, and there is no better proponent of clear thinking on that issue than the Senator from Tennessee.

But what occurred to me when I was sitting here is that I have heard some of these arguments before. I started thinking back to the hearings that were held and the markup sessions that were held in the Governmental Affairs Committee, the committee of legislative jurisdiction, when the Department of Homeland Security was being created by Congress to more effectively—with a better Federal organization of talent and wherewithal—cope with the challenges from threats to the security of our homeland. Many of these issues were discussed in great detail.

I remember the Senator from Connecticut, in particular, Mr. LIEBERMAN, being in a position of leadership on the committee at that time. We had other talented Senators working on that authorizing legislation.

What is happening to us, I am afraid, is as we get about the business of implementing the changes in our laws that were made by the creation of this new Department, and the creation of new agencies to implement and carry out these responsibilities in a coherent way—the policymakers have their guidance from that legislation, but we now here are considering an appropriations bill. We are not at a point where we are going back and reviewing in an oversight hearing or in a consideration of changes that ought to be made in the law. We are appropriating the funds to give to the Department and the agencies that were created and given these responsibilities.

So to come in now with an amendment—and I hate to argue against this amendment because the eloquent argument on its behalf was very impressive, but this is the wrong vehicle and this is not the right way to deal with the problem. If we have made an error in requiring too expensive, too stringent, too illogical, unworkable requirements or laws, let's change them. Let's change them. But let's not try in an Appropriations Committee to halfway fund our needs. We do not have the money to pay for this program. That was pointed out very clearly.

The REAL ID program is hugely expensive, and at some time there will be a day of reckoning. Maybe we are fast getting there. We have heard the warnings. I think we should heed the warnings and urge the legislative committee to think about modifying the authorities and the directives that are contained in the law—make it affordable, for one thing; decide, are State and local governments going to share the responsibility for these costs or is the Federal Government going to build up a huge Federal deficit trying to pay for the costs on an annual basis through the annual appropriations bills.

Well, anyway, as my law school dean used to say, it is not a horse that is soon curried. This is something that is going to take some time and effort, and we need to rise to the challenge the Senator from Tennessee presents to us and come up with a more thoughtful and workable and affordable way to deal with this issue.

So I am going to oppose the amendment because I think it should be done legislatively, and the problem cannot be solved with adding money and adding new language which is legislative in nature. I hope the Senate will carefully review the options we have and try to do the responsible thing.

Mr. LEAHY. Mr. President, the REAL ID Act was legislation forced through Congress as an add-on to the emergency supplemental bill passed in May 2005, without any Senate hearings

or debate, but the implications of the Act are enormous. In addition to numerous privacy and civil liberties concerns, REAL ID is an unfunded mandate that could cost the States in excess of $23 billion.

As hearings in the Judiciary Committee and Homeland Security and Government Affairs Committee have shown, REAL ID is far from being ready for primetime. In fact, the Department of Homeland Security has not even released final regulations directing the States on REAL ID implementation. With 260 million drivers in this country, I do not see how we could have the massive national databases required by REAL ID up and running in the next 5 years—much less in fiscal year 2008.

On top of that, even though they are not even in production yet, REAL ID cards are rapidly becoming a de facto national ID card since they will be needed to enter courthouses, airports, Federal buildings, and now workplaces all across the country. In my opinion, REAL ID raises multiple constitutional issues whose legal challenges could delay final implementation for years, and we should not support the Alexander-Collins amendment.

In May, the Department of Homeland Security Data Privacy and Integrity Advisory Committee expressed concern over several items in the REAL ID proposed regulations and said that they pose serious risks to individual privacy by: failing to establish a standard for protecting the storage of personally identifiable information; failing to provide methods for Americans to inquire or complain about the collection, storage, and use of personal information and remedy errors; failing to require notifying consumers of information collection and use by the State; failing to require that individuals have a choice over secondary use of that information; and failing to assure that the information collected for a specific purpose is used only for that purpose.

Congress should not fund the REAL ID program until the Department of Homeland Security makes fundamental reforms to the program and stops forcing such onerous provisions on the States. In addition, with this amendment offset by an across-the-board cut from all DHS programs, I don't think we should be robbing from other critical Homeland Security accounts—where we have seen real gains in securing our country—to pay for just 1 percent of the floundering REAL ID program.

REAL ID is not popular in our States, and opposition spans the political spectrum, from the right to the left. A large number of States have expressed concerns with the mandates of the REAL ID Act by enacting bills and resolutions in opposition.

Seventeen States have enacted statutes or resolutions against REAL ID, including Hawaii, Washington, Idaho, Nevada, Montana, North Dakota, Colorado, Nebraska, Oklahoma, Missouri, Illinois, New Hampshire, Maine, Arkansas, Tennessee, Georgia, and South Carolina.

Washington, Georgia, Oklahoma, Montana, South Carolina, New Hampshire, and Maine have gone so far as to indicate that they intend to refuse to comply with REAL ID.

Ten States have had statutes or resolutions pass one chamber of their legislature, including Oregon, Utah, Arizona, New Mexico, Wyoming, Minnesota, Louisiana, West Virginia, Pennsylvania, and Vermont.

Another 10 States have had statutes or resolutions introduced in their legislatures, including Alaska, Texas, Wisconsin, Michigan, Kentucky, Ohio, New York, Massachusetts, Rhode Island, and Maryland.

The reaction to the numerous privacy concerns and unfunded mandates of the REAL ID Act is a good example of what happens when the Federal Government imposes itself rather than working with the States to build cooperation and partnership. Since so many States have risen up in opposition to REAL ID, we should not fund this failed program, and I urge a ''no'' vote on this amendment.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I know Senator COLLINS, Senator VOINOVICH, Senator WARNER, and Senator KYL—all cosponsors of the bill—had hoped to speak, but I am not sure any of them are able to come now, so I wish to reserve 2 minutes prior to the vote, but other than that, I say to the managers and to the distinguished chairman of the committee that on this side we are ready to go forward.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we do have one other Senator who wants to come and speak on this amendment. I think he will be here shortly.

If there are no other Senators who want to speak at the moment, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, so everyone knows what is happening, Senator TESTER is going to be here in a minute to speak for several minutes. Senator ALEXANDER has a few minutes remaining. At the end of that time, we will be moving to a vote on the underlying amendment, so I hope all Senators are close by the floor.

Mr. President, I see the Senator from Montana is in the Chamber and I ask him how much time he is going to use. I believe the Senator from Montana will be using 5 minutes. Senator ALEXANDER will be using a few. So a vote will be imminent.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I rise in strong opposition to the Alexander amendment. It is a bad idea. The amendment would take away $300 million from port security, rail security, and all the grant programs that fund the first responders in each of our home States. It would rob the Border Patrol, Customs Enforcement, and the Coast Guard of the resources they need to keep our Nation safe. It would be robbing Peter to pay Paul.

The amendment would take $300 million and give it to departments of motor vehicles. Let me say that again. This amendment takes funds off the border, and gives funds to departments of motor vehicles. That is because the REAL ID Act will require every citizen to obtain a new driver's license from your State. To do that, you will need a birth certificate, your Social Security card, and some way of verifying your current address. It applies to everyone.

It will require States to reissue more than 245 million driver's licenses—let me say that again. It will require States to reissue more than 245 million driver's licenses—only after certifying that the person requesting the document is an American citizen or in the country legally. States are also being asked to build a whole new set of databases and other information technology to link up with the Federal database and with other States.

All in all, the national ID system will cost $23 billion—with a ''B''—$23 billion for the States to implement, and we are going to take away $300 million from port security and rail security and first responders in our home States and think that is going to make a difference.

This amendment would only provide 1.3 percent of that $23 billion cost. That does nothing to help the States. In fact, it is an afront to them to say ''we hear your complaints,'' and then provide them with a 1-percent solution.

Beyond the funding issues this amendment creates, endorsing REAL ID would be a real mistake. The REAL ID Act puts massive new Federal regulations on the States. From new databases and fraud monitoring, to new network and data storage capacity, the States will be tasked with an enormous range of new regulations and new requirements.

Once REAL ID becomes effective, every State's department of motor vehicles will have to play immigration official. DMV workers will be tasked with reconciling discrepancies in Social Security numbers with the Social Security Administration. Departments of motor vehicles will have to require proof of ''legal presence'' in the United States from immigrants.

REAL ID also creates enormous privacy concerns. REAL ID is a national

ID card. Make no mistake about that. Every citizen who wants to get on a plane, who wants to enter a Federal building, and, possibly, who even wants to get a job will have to be a part of it. We should not be funding something such as that without a real debate in Congress about the wisdom of such a program.

One month ago, 52 Senators voted to prohibit the expansion of REAL ID in the immigration bill. I hope we do not retreat from that progress by suddenly agreeing to this amendment to fund—at a 1-percent level—REAL ID. The way to improve our country's homeland security is not by outsourcing it to the States' Department of Motor Vehicles. Our security is improved by hiring more border agents, strengthening Customs and the Coast Guard, and ensuring local law enforcement has the tools they need to prepare for and respond to terrorist threats.

This amendment sets the wrong priorities for homeland security, and I urge its defeat.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, if I might ask the managers of the bill, if I am not mistaken, after my 2 minutes, we can proceed to a vote?

Mrs. MURRAY. Will the Senator repeat his request?

Mr. ALEXANDER. If I am not mistaken, after the 2 minutes I have, we may proceed to a vote?

Mrs. MURRAY. That is correct. He can speak for 2 minutes, and I will then make a motion at the end of that time.

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

Mr. ALEXANDER. Mr. President, I agreed with the last half of the Senator from Montana's statement, but the first half was an eloquent argument for a $20 billion unfunded mandate for the States of Montana and Nebraska and Tennessee and everybody else. If we are going pass it, we ought to fund it. And if we are not going to fund it, we ought to repeal it. That is my position.

We passed the law in 1995, the Federal Unfunded Mandate Act, but the REAL ID program imposes on the States, according to the Department of Homeland Security, an up to $20 billion unfunded mandate. It will require up to 245 million of us to go in and prove we are lawfully here and stand in line at our driver's license offices. Seventeen States have said they don't like it, including mine.

The National Governors Association meeting in Traverse City, MI, last week generated a letter to all of us saying: If you are going to require it, fund it. That is what we are beginning to do.

If you think the passport backlog is a big problem, wait until the driver's license backlog comes if we don't properly fund REAL ID or repeal it. There will be weddings. There will be vacations. There will be honeymoons. There will be trips. But there will be work days messed up. There will be a lot of mad Americans, and rightly so.

So this amendment would make a small installment payment of $300 million for the REAL ID program we imposed on the States. Surely the conference can find, in a $37.6 billion bill, $300 million to do what we are supposed to do. If we require it, we should fund it. The Republican Congressmen were right in 1994 when they said it, and if we can't remember that, they should throw us out.

I urge a ''yes'' vote on behalf of myself, Senator COLLINS, Senator WARNER, Senator KYL, and Senator VOINOVICH, the cosponsors of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I move to table the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted ''nay.''

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

The result was announced—yeas 50, nays 44, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—50

Akaka	Feingold	Murray
Allard	Gregg	Nelson (FL)
Baucus	Harkin	Pryor
Bayh	Inouye	Reed
Biden	Kennedy	Reid
Bingaman	Kerry	Rockefeller
Brown	Kohl	Salazar
Byrd	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Shelby
Clinton	Levin	Snowe
Cochran	Lieberman	Stabenow
Conrad	Lincoln	Sununu
Craig	Lott	Tester
Crapo	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	

NAYS—44

Alexander	Chambliss	Enzi
Barrasso	Coburn	Feinstein
Bennett	Collins	Graham
Bond	Corker	Grassley
Boxer	Cornyn	Hagel
Bunning	DeMint	Hatch
Burr	Dole	Hutchison
Carper	Domenici	Inhofe
Casey	Ensign	Isakson
Klobuchar	Nelson (NE)	Thune
Kyl	Roberts	Vitter
Lugar	Sessions	Voinovich
Martinez	Smith	Warner
McConnell	Specter	Wyden
Murkowski	Stevens	

NOT VOTING—6

Brownback	Dodd	McCain
Coleman	Johnson	Obama

The motion was agreed to.

Mr. DURBIN. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

CHANGE OF VOTES

Mr. DORGAN. Madam President, on rollcall 279, I voted ''nay.'' It was my intention to vote ''yea.'' I ask unanimous consent that I be permitted to change my vote. It will not affect the outcome of the vote.

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

Mr. DORGAN. Madam President, I came in at the end of the vote intending to vote against Senator ALEXANDER's amendment and did not look close enough. It was actually a tabling motion. So I would not want to vote to table Senator ALEXANDER's amendment.

I thank the Presiding Officer.

Mr. BAYH. Mr. President, on rollcall vote No. 279, I voted ''nay.'' It was my intention to vote ''yea.'' Therefore, I ask unanimous consent that I be allowed to change my vote since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above orders.)

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

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

RULE XVI

Mr. DORGAN. Madam President, let me make one additional point I did not make earlier in the discussion in the Senate, and I think it is an important point to make.

There was a suggestion on the floor of the Senate by a Senator earlier that rule XVI has been applied in this Senate in a manner that was unfair. That is simply not the case. Every Senator has the right to raise the issue of rule XVI if someone is trying to legislate on an appropriations bill. It was done, as another Senator suggested, with respect to Senator GRAHAM; it was done with respect to something they offered on the floor. Everyone has that right.

But let me make this point: It is not unusual to legislate on an appropriations bill in circumstances where what is being done is something that is done almost by unanimous consent, a provision that everyone agrees with, a provision that is noncontroversial. That is

not unusual at all. That happens all the time.

Now, I am frankly surprised there is anyone in this Chamber who would disagree with the proposition that we ought to get quarterly classified, top-secret reports on what is happening to try to eliminate the al-Qaida leadership that apparently is now in a safe haven in the tribal area of Pakistan. I didn't expect that to be controversial. I didn't expect there would be one person in this Senate who would disagree with that. But, apparently, there is. He has that right. But it is an unfortunate circumstance that we had a situation that allows, or a situation that persuades someone to stand up on the floor and say there is a double standard on rule XVI. There is no double standard. There is not one person in the Senate who believes that, outside of the person who said that. There is no double standard. The standard is applied in exactly the same way to every Senator.

What is unusual to me is objecting to the standard of allowing what normally would be uncontroversial, or noncontroversial provisions—including this one, saying it ought to be our top priority to eliminate the leaders of al-Qaida, and that the Administration should give Congress quarterly reports on what is being done to address the greatest terrorist threat to our country. I am flabbergasted. I am enormously surprised that would be controversial with anyone in the Senate. I would expect 100 Senators would agree with that proposition, but one, apparently, does not.

So we will have that debate again. We will have the debate at another time. As I said earlier, we have already added the same amendment to the Defense authorization bill. That was an amendable bill. That bill has been taken from the floor at this point, but I assume it will come back.

I did wish to make the point on behalf of every Senator, except the person who said this, that there is no double standard on rule XVI. Those who suggest that, profoundly misunderstand, apparently, the rules of the Senate. But there should not be a misunderstanding in this Senate about the urgency of at least 99 Members of the Senate wanting to go after and eliminate the leadership of al-Qaida. I would hope that would represent everyone's determination.

Al-Qaida is the terrorist organization that represents the greatest terrorist threat to this country, right now, according to the National Intelligence Estimate; and al-Qaida and its leaders are the ones who boasted about murdering 3,000 or more innocent Americans on 9/11/2001.

Madam President, I yield the floor, and 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.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. MURRAY. Madam President, what is the pending business? Madam President, regular order.

The PRESIDING OFFICER. The regular order is the Grassley amendment.

AMENDMENT NO. 2444, AS MODIFIED

Mrs. MURRAY. The Grassley amendment, No. 2444, is the pending amendment. I understand that there is a modification at the desk. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

The amendment (No. 2444), as modified, is as follows:

On page 69, after line 24, insert the following:

SEC. 536. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the basic pilot program required under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

Mrs. MURRAY. Madam President, I believe that amendment is agreed to at this time, as modified.

Mr. COCHRAN. Madam President, this amendment has been reviewed. We have no objection to proceeding to consider the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment (No. 2444), as modified, was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2416 WITHDRAWN

Mrs. MURRAY. Madam President, am I correct under regular order the pending amendment is now Schumer amendment No. 2416?

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. Madam President, I ask unanimous consent to withdraw Schumer amendment No. 2416 that is pending.

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

AMENDMENT NO. 2461, AS MODIFIED

Mrs. MURRAY. Madam President, I understand now under regular order the next pending amendment is Schumer amendment No. 2461, and there is a modification at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. Madam President, we have talked with the minority. I do believe this amendment, as well, is agreed to.

Mr. COCHRAN. Madam President, there is no objection to proceeding to consider that amendment.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 2461), as modified, is as follows:

On page 19, line 26, strike ''$524,515,000'' and insert ''$521,515,000''.

On page 18, line 2, strike ''$5,039,559,000'' and insert ''$5,042,559,000''.

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

The amendment (No. 2461), as modified, was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2447

Mrs. MURRAY. Madam President, under regular order the next amendment is Schumer amendment No. 2447. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. I believe that amendment also has been agreed to on both sides.

Mr. COCHRAN. Madam President, we have no objection to proceeding to consider the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2447) was agreed to.

AMENDMENT NO. 2462

Mrs. MURRAY. Madam President, under regular order is the next item of business the Dole amendment, No. 2462?

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. Madam President, at this time we are hoping Senator DOLE can be on the Senate floor. We are working our way through these amendments really well at this point. We do have a number of Senators who have their amendments in order. I advise all of them to stay close by the floor. We are trying to work our way through them. As soon as Senator DOLE arrives on the floor, we will try to work out an agreement with her and hopefully move forward.

AMENDMENT NO. 2476 WITHDRAWN

Madam President, I ask unanimous consent to withdraw amendment No. 2476.

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

Mrs. MURRAY. Madam 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. BYRD. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

The Senator from West Virginia is recognized.

AMENDMENT NO. 2497

Mr. BYRD. Madam President. I have an amendment that I will offer at the appropriate time.

Madam President, in this technological age of vehicle barriers, ground-

based radar, camera towers, and unmanned aerial vehicles, I am pleased to note that the U.S. Border Patrol still guards America's southwest border in a timeless and very American manner, on horseback.

Unfortunately, sometimes these horses are injured or simply are no longer fit for such rigorous service. When that happens, the Border Patrol must make the decision to either put the horse out to pasture, or, in some cases, as the only humane option, to relieve the poor animal's suffering and put it to sleep. Before that happens, my amendment would ensure that the Border Patrol provides the trainer or handler of the horse with an opportunity to adopt it.

This is a very simple amendment. The Bureau of Land Management within the Department of the Interior already has a horse adoption program, which I encourage the Border Patrol to use as a model for creating its own program. My amendment would also ensure that such an adoption program includes appropriate safeguards to ensure that a horse, once adopted, is not sold for slaughter or treated inhumanely. This amendment would make 20 horses available for adoption per year within the Homeland Security Department. It is the humane and decent thing to do for these noble animals which help to secure our borders and keep our citizens safe.

I urge the adoption of my amendment when it is offered later today.

Mrs. MURRAY. Madam 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.

The PRESIDING OFFICER. The Senator from Colorado.

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

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

Mr. SALAZAR. Madam President, I rise today to praise the work of Senator BYRD, Senator INOUYE, Senator COCHRAN, Senator STEVENS, Senator MURRAY, and the entire Appropriations Committee for the work they have done on the Homeland Security Appropriations Act for fiscal year 2008. This is a strong bill. It is an essential bill to protect our homeland.

Our foremost duty here in the Congress is to make sure we are protecting America, and this bill is a significant step in the right direction. I agree with Senator BYRD and the majority leader that this must be the first appropriations bill for this fiscal year and that we must pass it this year. I hope we will pass it later today.

A government's primary responsibility is in the protection of the homeland and keeping its citizens safe from attack. This bill will help us secure our borders, train and support our first responders, prevent the transport of nuclear materials, and strengthen our defenses against terrorists.

We need not look far to understand the threats that face this country. September 11 brought the specter of terrorism to the front door of America. September 11 illustrated tragically and horribly the great threat extremist groups can pose to the United States. But September 11 is not the only terrorist attack we or our allies have endured in recent times. In 2002, a bomb in Bali killed 202 people and wounded 209. In 2004, bombs on trains in Madrid killed 191 people and wounded over 2,000. In 2005, attacks on London's Underground killed 52 commuters and injured 700. The list goes on and on.

The State Department reports that the number of incidents of terrorism worldwide has grown dramatically in recent years. Between 2005 and 2006, the number of incidents rose from 11,000 to over 14,000. Three-fourths of these incidents resulted in death, injury, or kidnapping. All told, terrorism claimed the lives of more than 74,000 people around the world last year.

Americans today know that they are not immune from attack. We know America is not immune from attack. We also know violent extremism is posing a growing threat to our society and to that of our allies. Americans expect their Government to respond to these threats with adequate resources, sound policies, and strong leadership.

Unfortunately, our homeland is not as secure as it should be. A recent survey revealed that national security experts on both sides of the aisle agree that we have not come as far as we should have over the last 6 years. They agree that the Department of Homeland Security is underperforming. They agree that intelligence reform has not been effective. And they agree that too few resources are being allocated to the defense of our homeland and our Nation.

The reports of holes in America's armor, from inadequate rail security to insufficient funding for screening at ports, along with the Government's recent record of failed responses to national disasters, such as the bungled leadership of Hurricane Katrina to a lack of National Guard equipment when a tornado tore through the State of Kansas—those incidents underline the urgency of passing a strong and smart bill that funds our homeland security.

I wish to briefly describe three ways in which the additional funding in this bill is vital for our security.

First, the funding levels allow us to improve security at the border and to enforce our immigration laws. Just a few weeks ago, during our immigration debate on this floor, we all agreed that we must get control of our border and know who is coming into this country. Now it is time for us to walk the walk. The bill before us would allow us to hire additional Border Patrol agents to protect our borders. It also includes funds for additional border fencing, infrastructure, and technology to monitor the vast open spaces we need to monitor and control. It also provides an additional $475 million for enforcement of customs and immigration laws within the United States. Our Nation is and must be a nation of laws.

Second, I am proud that this bill supports our first responders—the firefighters, peace officers, nurses, and volunteers who rush in when others rush out. They serve us by devoting their time, their skills, their courage, and oftentimes their lives. We owe them the tools and resources they need to do their jobs. The bill before us provides money for State and local emergency preparedness programs, money for firefighter assistance grants in this program and funds for emergency performance grants.

I am particularly pleased that this bill restores funds to our first responder and State training programs for law enforcement and firefighter operations that the President had proposed to cut. This bill, however, funds these provisions, and that includes $525 million for the State Homeland Security Grant Program, $375 million for law enforcement and terrorism prevention grants, $560 million for firefighter equipment grants, and $140 million to hire firefighters.

I wish also to note that the bill makes a serious investment in the Federal Law Enforcement Training Center, the crown jewel of training centers for the law enforcement community. A bipartisan group of us added a provision to the 9/11 Commission bill to create the Rural Policing Institute at FLETC to address the particular law enforcement needs of rural America. This was a need that I saw. It was very clear to me as attorney general for Colorado. The rural sheriffs and peace officers whom I spoke with during all of the time that I was attorney general and in crafting the Rural Policing Institute legislation agreed that the Rural Police Institute would be a valuable addition to FLETC.

The $220 million in this bill for FLETC will help ensure that our peace officers continue to get the highest level of training they need as we deal with the reality we find in the post-9/11 world. It is going to be the eyes and ears and skills of the nearly 800,000 peace officers of America who will protect our homeland from the vicious kinds of attacks we saw in New York on 9/11, the vicious kinds of attacks that took 150-plus lives in Oklahoma City some years ago. So we must do everything we can to support our men and women who are in law enforcement at both the local and State level. This legislation does that.

Finally, in addition to providing better protection along our borders and ports and more tools for law enforcement and first responders, this bill helps us to prepare to recover from an attack or a disaster.

FEMA's response to Hurricane Katrina sounded the alarm bells for all of us. Unfortunately, not everyone seems to have heard them. Not only

does FEMA need better leadership and serious Congressional oversight, but it now needs the resources to do this job. The bill before us would provide $6.9 billion for emergency preparedness and response activity. That is a significant amount of additional money beyond what the President requested. Almost half of those dollars would go out to States and local preparedness programs.

Once again, I wish to reiterate my appreciation for the bipartisan leadership which Senator BYRD and Senator COCHRAN, Senator MURRAY, Senator INOUYE, Senator STEVENS, and the other members of the Appropriations Committee have shown on this bill.

It is right that this is the first appropriations bill that we consider because our homeland security must come first before everything else. The threat of attack on our soil is as great as it ever has been, and this bill is an important step toward ensuring America's first responders have the tools and the equipment and training they need to keep America safe.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I rise to compliment the distinguished Senator from Colorado. In his statement, he is right on when he is talking about the fact that there is no other bill we have pending in the Senate that is more important than the bill we are considering here today, the funding of the Department of Homeland Security and the agencies which are charged with the responsibility of carrying out the authorizations that have been passed earlier creating the Department following the 9/11 attacks on our country.

This is serious business. I compliment the Senator on the manner in which he is carrying out his duties as a new member of this body—relatively new member. He has important committee assignments, and we appreciate the commitment he has shown during consideration of this bill and the discussion of amendments and the offering of amendments to try to help make sure that the work product we produce is the best we can produce for our great country and our homeland.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MARTINEZ. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE) Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the current amendment be set aside and I be permitted to speak on two amendments that I will call up, intend to speak on, and then ask that they be withdrawn.

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

AMENDMENT NO. 2503 TO AMENDMENT NO. 2383

Mr. MARTINEZ. I call up amendment 2503 and ask that Senators KYL and GRAHAM be added as cosponsors.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. MARTINEZ], for himself, Mr. KYL, and Mr. GRAHAM, proposes an amendment numbered 2503 to amendment No. 2383.

Mr. MARTINEZ. 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 require the issuance and use of social security cards with biometric identifiers for the establishment of employment authorization and identity)

On page 69, after line 24, add the following:

SEC. 536. (a) USE OF BIOMETRIC SOCIAL SECURITY CARDS TO ESTABLISH EMPLOYMENT AUTHORIZATION AND IDENTITY.—Section 274A(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(B)) is amended—

(1) in clause (ii)(III), by striking ''use.'' and inserting ''use; or''; and

(2) by adding at the end the following:

''(iii) social security card (other than a card that specifies on its face that the card is not valid for establishing employment authorization in the United States) that bears a photograph and meets the standards established under section 536(c) of the Department of Homeland Security Appropriations Act, 2008, upon the recommendation of the Secretary of Homeland Security, in consultation with the Commissioner of Social Security, pursuant to section 536(e)(1) of such Act.''.

(b) ACCESS TO SOCIAL SECURITY CARD INFORMATION.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following:

''(I) As part of the employment eligibility verification system established under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), the Commissioner of Social Security shall provide to the Secretary of Homeland Security access to any photograph, other feature, or information included in the social security card.''.

(c) FRAUD-RESISTANT, TAMPER-RESISTANT, AND WEAR-RESISTANT SOCIAL SECURITY CARDS.—

(1) ISSUANCE.—Not later than first day of the second fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (f), the Commissioner of Social Security shall begin to administer and issue fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(2) INTERIM.—Not later than the first day of the seventh fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (f), the Commissioner of Social Security shall issue only fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(3) COMPLETION.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (f), all social security cards that are not fraud-resistant, tamper-resistant, and wear-resistant shall be invalid for establishing employment authorization for any individual 16 years of age or older.

(4) EXEMPTION.—Nothing in this section shall require an individual under the age of 16 years to be issued or to present for any purpose a social security card described in this subsection. Nothing in this section shall prohibit the Commissioner of Social Security from issuing a social security card not meeting the requirements of this subsection to an individual under the age of 16 years who otherwise meets the eligibility requirements for a social security card.

(d) DUTIES OF THE SOCIAL SECURITY ADMINISTRATION.—The Commissioner of Social Security—

(1) shall issue a social security card to an individual at the time of the issuance of a social security account number to such individual, which card shall—

(A) contain such security and identification features as determined by the Secretary of Homeland Security, in consultation with the Commissioner; and

(B) be fraud-resistant, tamper-resistant, and wear-resistant;

(2) shall, in consultation with the Secretary of Homeland Security, issue regulations specifying such particular security and identification features, renewal requirements (including updated photographs), and standards for the social security card as necessary to be acceptable for purposes of establishing identity and employment authorization under the immigration laws of the United States; and

(3) may not issue a replacement social security card to any individual unless the Commissioner determines that the purpose for requiring the issuance of the replacement document is legitimate.

(e) REPORTING REQUIREMENTS.—

(1) REPORT ON THE USE OF IDENTIFICATION DOCUMENTS.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (f), the Secretary of Homeland Security shall submit to Congress a report recommending which documents, if any, among those described in section 274A(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(B)), should continue to be used to establish identity and employment authorization in the United States.

(2) REPORT ON IMPLEMENTATION.—Not later than 12 months after the date on which the Commissioner begins to administer and issue fraud-resistant, tamper-resistant, and wear-resistant cards under subsection (c)(1) of this section, and annually thereafter, the Commissioner shall submit to Congress a report on the implementation of this section. The report shall include analyses of the amounts needed to be appropriated to implement this section, and of any measures taken to protect the privacy of individuals who hold social security cards described in this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

Mr. MARTINEZ. I ask unanimous consent that Senators KYL and GRAHAM be added as cosponsors.

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

Mr. MARTINEZ. In the course of the immigration debate, it became clear that one of the issues about interior enforcement that was so difficult for us to get our arms around was the issue of identifying who was here. It was the issue of duplicative Social Security numbers and cards and the ease with which those intent upon breaking the law could fraudulently create a Social Security card. It seems to me the time

has come for us to consider a biometric Social Security card. It would be a Social Security card that would fix this problem for interior enforcement and one that would be a foundational step toward having the kind of serious interior enforcement the American people want.

One of the things we heard over and over is, why don't we enforce the current law. The reason we cannot enforce current law is because there isn't a national way in which we can identify who is here legally and who is not when they apply for a job. It isn't fair to put employers in a position of employing someone about whom they may wonder whether they are here legally but that they wouldn't know because there is no verifiable way of finding out. They also would have no way of knowing whether in fact the card they were being presented was a real one or a fraud.

It would make substantial steps in securing and improving the employee verification system. This amendment would allow employers and employees alike to be sure their employment was lawful. It would provide a card with a photograph of every lawful guest worker, permanent resident or citizen that matches up with a photograph on file with the Social Security Administration or the Department of Homeland Security. It would also allow for phasing in this new card over a period of 10 years, upon which only biometric Social Security cards or a U.S. passport or green card would be valid for employment authorization purposes. It does not affect the use of driver's licenses for establishing identity. It does not become a national ID card. Rather, this amendment only addresses the use of the Social Security card which we already use and sets standards to protect against the use of fake Social Security cards. No lawful American or foreign visitor should have any legitimate concern. A new biometric card will go a long way toward ensuring that documents used for employment authorization are secure and fraud resistant. This card would help weed out fraudulent documents currently in circulation supporting illegal employment in our country.

AMENDMENT NO. 2503 WITHDRAWN

My understanding is this amendment, if offered today, would be subject to a rule XVI. It does in fact attempt to legislate and attempts to correct a serious problem we face in the country today.

At this time I ask that the amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 2413 TO AMENDMENT NO. 2383

Mr. MARTINEZ. I call up amendment No. 2413.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Florida [Mr. MARTINEZ] proposes an amendment numbered 2413 to amendment No. 2383.

Mr. MARTINEZ. 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 require that all funds for State and local programs be allocated based on risk)

On page 35, line 20, strike ''which shall'' and all that follows through ''3714):'' on line 26 and insert the following: ''which shall be allocated based solely on an assessment of risk (as determined by the Secretary of Homeland Security) as follows:

''(1) $900,000,000 for grants to States, of which $375,000,000 shall be for law enforcement terrorism prevention grants:''.

Mr. MARTINEZ. This is an amendment in which the senior Senator from Florida, Mr. NELSON, joins as a cosponsor. It is one that is tremendously important to make sure we have the best security for our Nation we can possibly have. The concept of this amendment is straightforward. It directs Homeland Security dollars to areas where the threat of attack by terrorists is the greatest.

It was no accident that when the terrorists attacked our Nation on September 11, they picked powerful, high-profile and heavily trafficked targets. Terrorists target areas where they can inflict the most damage and get the most attention. For those reasons, they focus on urban areas and areas of national importance or those that are, naturally, highly populated. One of the things that often gets overlooked is when you look at only the population in a certain place, oftentimes we overlook places such as Florida. In Florida, we have 70 million people from all over the world and certainly from all over the United States who visit as tourists. During any given day there are hundreds of thousands of tourists all over the State of Florida. This only adds to the population of our State at any given point in time.

On March 18, 2003, the Federal Aviation Administration proposed a no-fly zone over the Walt Disney world resort area because, according to the FAA, the Disney parks are a potential target of symbolic value. In a similar instance, Port Everglades in Broward County actually has more passengers, freight, and people moving through it than even the port of Miami. All of the cruise ships, tankers, and shipping traffic out of the Miami area actually sail from Broward County. These examples highlight the issues associated with regional influx. They underscore the need for additional security resources.

The whole State of Florida, in fact, now plays host to 77 million tourists a year. That is on top of the 17 million persons who call Florida home. We cannot overstate the importance of regional concepts and that models created by this amendment will encourage funding to be spent not only on our major cities but also on those regional centers that require by their nature special protections. On this issue, the Secretary of Homeland Security Michael Chertoff has weighed in with a consistent message.

In a letter the Secretary says:

Funding our first responders based on risk and need gives us the flexibility to ensure our finite resources are allocated in a prioritized and objective manner. The Department of Homeland Security strongly supports authorization language that would distribute Federal homeland security grant funds based on risk and need, rather than on static and arbitrary minimums.

At this time I do not intend to pursue this amendment and would in a moment ask that it be withdrawn. My understanding is that the 9/11 bill, the bill that gives life to many of the recommendations of the 9/11 Commission, is going to be accepted or is going to be voted on and accepted by the Senate. In that bill there will be a much better distribution of dollars in a way that is more in keeping with the risks our Nation faces.

AMENDMENT NO. 2413 WITHDRAWN

With that in mind, I will at this time ask that the amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 2404

Mr. MARTINEZ. I wish to take an additional moment to speak about amendment 2404 which will be considered later today.

Many other countries, including Israel, Canada, Japan, the United Kingdom, and the Netherlands, have successfully demonstrated how an international registered traveler program can work to ensure security, focus attention on lesser known travelers, and provide a smoother and more predictable travel schedule for repeat travelers. Amendment No 2404 attempts to create an international registered travelers program.

This amendment would authorize the Department of Homeland Security to establish an international registered traveler program to expedite the inspection of frequent U.S. and international travelers arriving by air into the United States.

The Secretary of Homeland Security is accordingly authorized to impose a reasonable fee to cover the costs associated with establishing and maintaining such an expedited inspection process and is tasked to coordinate such a program with the Department of State.

The Transportation Security Administration and private industry developed the Registered Traveler program here in the U.S. to provide expedited security screening for passengers who volunteer to undergo a TSA-conducted security threat assessment in order to confirm that they do not pose or are not suspected of posing a threat to transportation or national security. It has been quite successful. I believe this is something that can work.

If we can create an international version, it will go a long way in helping to develop more strategic ties with our allies abroad and show openness to investment and travel in America.

We fight all the time for travelers who have options to travel anywhere in the world to come to our country to be tourists. Certainly tourism areas in our country such as Florida, but like many others, Washington, DC, New York City, many national parks out West, many of the beautiful areas of our States are natural attractions for foreign travelers. But the foreign traveling public has options of where to go. Part of the decisionmaking process is cost and ease of traveling. I believe this is a well-thought-out amendment which will enhance our national security while at the same time allowing travelers to more easily find their way to our country in order to enhance the travel and tourism industry, which is of great importance in terms of our own tourism dollars, which keep many Americans employed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRAIG. 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. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for no longer than 10 minutes.

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

(The remarks of Mr. CRAIG are printed in today's RECORD under ''Morning Business.'')

Mr. CRAIG. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I believe the pending amendment is the Dole amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. SESSIONS. Mr. President, I send to the desk a second-degree amendment to the Dole amendment, No. 2442.

The PRESIDING OFFICER. The clerk will report.

Mr. SESSIONS. Mr. President, this second-degree amendment is a modest but important amendment. It would ensure that $2.5 million of the $51 million in this bill that is set aside for 287(g) training—and I will explain 287(g) training, but it is basically training of State and local law enforcement officers by Federal officials so that they can be of assistance to Federal officials——

The PRESIDING OFFICER. Would the Senator suspend a moment. The Parliamentarians are having a discussion about this amendment, which may be helpful.

Mr. SESSIONS. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, I withdraw the second-degree amendment that I offered earlier, recognizing that there is some parliamentary question about it.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. SESSIONS. Mr. President, what I believe we should do, and the purpose of the amendment that I offered and am hoping we will be able to get accepted in some fashion, is modest, but it is an important step. It will require that $51 million be set aside in the underlying bill that is before us today for section 287(g) training; that is, training State and local law enforcement officers to be of assistance to Federal immigration officers, and that $2.5 million of the $51 million could be used to reimburse State and local training expenses.

Now, there are 65 pending training agreements out there right now, some of which are being executed and some of which are waiting to be executed. I would like to explain why I think this is important, fair, and commonsensical. It is something we should do.

Section 133 of the Immigration Reform and Immigration Responsibility Act of 1996 is codified as section 287(g), the Immigration and Nationality Act, the INA, and it has commonly been known as the 287(g) program. Under this program, States and localities can ask the Department of Homeland Security to enter into a memorandum of understanding. That is like a treaty between the State and the Department of Homeland Security. They enter into these agreements.

The Presiding Officer, as a former U.S. attorney, knows how these MOUs are. They enter into these agreements, and the agreements essentially provide that their local law enforcement officers be cross-trained to work with Customs enforcement.

The program clearly has not expanded at the pace we originally envisioned, but the tide is beginning to turn as to these issues and how we deal with the problem of illegal aliens. So today the number of illegal aliens in the United States is a staggering number. It is estimated at between 10 million to 12 million, with another estimated 800,000 arriving in our country each year. Last year, we arrested over 1 million.

One solution to address the problem is to increase partnerships between Federal immigration authorities and State and local authorities through such programs as the 287(g) program. It is something I know a little bit about. I was a U.S. attorney in Alabama for 12 years. I was attorney general for 2 years, and I traveled around the State and met with local law enforcement officers as attorney general and as U.S. attorney. Since I have become a Senator, I have asked them about how things work if they apprehend somebody they believe to be illegally in our country.

Let me tell my colleagues what they tell me without virtually any exception, except as we are seeing through this 287(g) program. But, fundamentally, what they have been telling me is they let them go. That is not just true in Alabama; it is true all over America. Local law enforcement officials who apprehend people they have every reason to believe—maybe absolute proof—that they are here illegally routinely are allowing the people they apprehend—maybe it is DUI, maybe it is for an accident or whatever, a domestic dispute—whatever it is, they are letting them go because somehow they have gotten the message that nobody will come and pick them up, and they don't know how to do it or who to call and what the processes are. That is what the 287(g) program is designed to deal with.

Now, it has been odd to me since I have sought to do something about this for quite some time, well before the comprehensive immigration reform bill was introduced in this Senate over a number of years ago to deal with it, there is always an objection. It was out of that objection that I made the comment one time that people will vote for any kind of immigration reform, as long as it is a reform that would not work. If you produce something that will actually work and actually help the system get better and more lawful, somebody objects. It becomes a big deal. So I think this is a commonsensical thing.

Our State and local officers are in the best position on a daily basis to come in contact with those unlawfully present here. We don't have Federal ICE agents, immigration agents throughout the country. Border Patrol people are just on the border. If you can get past the border—and that is one of the attractions of trying to get past the border—if you can get past it, you have a pretty good chance of being home free for some time.

I think we have about 5,000 Federal ICE immigration agents inside our country, but only about 2,000 of those are actively involved in enforcement operations. We have 600,000 to 800,000 State and local law enforcement officers, sheriffs, police officers, State troopers. They are out there on the roads every day.

Now, this bill and the training it provides on a 287(g) does not train and does not ask that the State and local officers do anything they don't want to do. They will not be compelled to participate in anything they choose not to participate in. It is a voluntary participation agreement. They are not called upon to participate in conducting raids to try to identify and find people who might be here illegally. Our goal would be to provide a situation in which they could assist the ICE officers during the course of their ordinary duties. If they come upon someone likely to be an illegal alien, they would take the proper steps, after they have been trained, to identify whether they are, in fact, illegal and take the appropriate steps in

conjunction with ICE to handle it in the proper manner.

Because of an interest I had in it for some time, the State of Alabama, I am proud to say, became the second State in the Nation to enter into one of these agreements. Our Governor, Bob Riley, thought it was the right thing to do. He is an excellent Governor. He took steps to do it some years ago.

To date, we have trained 60 State troopers in 3 classes of 20 each, and the Federal Government trained these troopers at the Center for Domestic Preparedness in Anniston, AL. But let me tell my colleagues what happened to the State as a result of their partnership and willingness to assist the Federal Government. They have to pick up the costs of this training. Each class costs Alabama an average of $40,000, for a total of $120,000 in State money, all designed to help ensure that our State troopers are knowledgeable on all of the correct, fair, just, and legal ways to deal with illegal entrants into our country, and to be able to assist the Federal agents in doing their duties.

I think one reason we have seen a fairly slow expansion of the 287(g) program is the fact that it costs the States a bunch of money. Now we have $51 million set aside here in this program for training. But they are not paying any of it, apparently, as of this date to refund the States for their costs of training. It takes some number of weeks in this training—more than I think is justified. It is 6 weeks, my counsel tells me. It is 6 weeks that they have to go through a training program.

I have to tell my colleagues, if you go through any town in the country, whether it is Alabama or anywhere else, and you are a Senator, and you are speeding through that town and you are drunk, some 19-year-old, 20-year-old police officer can put you in jail, put your rear end in the Bastille. He doesn't have to have special training on how to arrest a Senator. But we are going to give special training to our local police officers on how to arrest somebody who is not even a citizen of the United States of America. That is what Homeland Security wants and that is what they believe. Six weeks, in my view, is too much, for heaven's sake. But they want 6 weeks of training and they make them cross designated and very intense partners in this program. But if you take a police officer off the streets for 6 weeks, that is a drain on the State and local police departments, and we ought to be able to compensate them some for it, in my view.

Let me tell you what happened in my State. It has been rather remarkable. In the first 18 months of operation, the Alabama MOU has resulted in the seizure of over $689,000 in cash in connection with criminal immigration offenses. Pretty good action there. As of last year, the training of those troopers had already resulted in 54 indictments, including those for illegal entry, false claims to citizenship, fraudulent documents, and visa fraud. It resulted in 33 convictions, including Social Security fraud, prior deported aggravated felons, and visa fraud. These are in Federal Court, not State court. You cannot try people in State court for immigration offenses. They are picked up by the Federal prosecutors and they have to meet some seriousness standard before they would actually be prosecuted in Federal Court.

In addition to those I mentioned, there are six Federal charges pending disposition, including aliens with firearms. There are 13 Federal charges pending indictment. So this is a matter that has the potential to help us identify those who are here illegally and those who may pose a threat to our country. It could well be that the next person planning an attack somewhere in the United States may be one of those picked up because, as we know, of the 18 hijackers, several of them were picked up—some more than once—by State and local officers. But they had no way to access or did not access the actual history of these individuals to find out whether they were here legally and might otherwise be subject to arrest. If that had occurred and our system had worked effectively, it is conceivable that the case could have been broken before 9/11 occurred.

The 9/11 Commission did point out that we need to do a far better job in this area. The 9/11 Commission recommended we implement State and Federal training and law enforcement cooperation and enhance that ability. That was one of their firm recommendations. We have not done that to any significant degree at this point.

The first State to be accepted with an MOU was Florida. They also have a history of an effective program under 287(g). The ICE program provides local law enforcement with comprehensive training and, once certified, the officers remain basically under ICE's supervision under all matters relating to immigration. To address concerns voiced by immigrant interest groups, Federal, State, and local enforcement have engaged in significant outreach efforts with local immigrant communities and have not engaged in sweeps for undocumented aliens.

One of the greatest testaments to the success of a program is that in no instance has a complaint been filed against law enforcement officers as a result of the actions under this memorandum of understanding. It has gone extremely well without the kind of complaints that people have suggested might happen, and it has been an asset to the Federal Government and should be continued. It is already part of our law. We have provisions that allow for it. We have money set aside—$51 million in one area and $5 million in another area—but we don't have provisions to help the States defray the cost of their training.

Now, I will remind my colleagues of some of the objective reports since 9/11 that are important to us. One is the Hart-Rudman report. The report is entitled ''America Still Unprepared—America Still in Danger.'' They found that one problem America still confronts is that ''700,000 local and State police officers continue to operate in a virtual intelligence vacuum, without access to terrorist watchlists.'' The first recommendation of the report was to ''tap the eyes and ears of local and State law enforcement officers in preventing attacks.''

On page 19, the report specifically cited the burden of finding hundreds of thousands of fugitive aliens living among the population of more than 8.5 million illegal aliens living in the United States. They suggested that the burden could and should be shared with the 700,000 local, county, and State law enforcement officers if they can be brought out of the information void.

The final report of the National Commission on Terrorist Attacks upon the United States, the 9/11 Commission, released in the summer of 2004, also recognized the important role of State and local law enforcement officers in immigration law enforcement. Again, let me remind you, we have only a couple of thousand actively engaged Federal investigators inside our country to actually enforce immigration law. So how do we expect to intercept some of the individuals who may be plotting this very moment to attack? They may be here with false documents, or they may have gotten into the country legally and overstayed. How are we going to find them if we don't welcome the participation of State and local law enforcement officers? In the 9/11 Commission report, the section titled ''Immigration Law and Enforcement,'' the Commission found this:

> [T]oday, more than 9 million people are in the United States outside the legal immigration system.

Some say it is 12 million, but they say more than 9. Nobody can dispute that. They continue:

> There is a growing role for State and local law enforcement agencies. They need more training and work with Federal agencies so they can cooperate more effectively with those Federal authorities. . . .

To achieve that necessary collaboration, we must first clarify the authority delegated to each level of law enforcement and make it clear that State and local officers have authority to and are welcome to participate actively in the enforcement of immigration law.

My amendment will do that. It is something that is overdue, and we should do it. I remain a bit baffled by the objections that continue to be raised on this. I had occasion last year to participate with my chief counsel, who is here with me—Cindy Hayden—to prepare a law review article for the Stanford Law Review on the question of the authority of State and local law enforcement officers. It is somewhat complex, but it is not disputed that State and local law enforcement have the authority to detain people who

have come into our country illegally across our borders. They cannot prosecute them. They can detain them only for a reasonable period of time. They have to turn them over to Federal agencies. But they are able, with regard to criminal immigration offenses, to conduct such detentions as a complement to and as a part of their historic ability to assist in the enforcement of existing Federal law—and, indeed, citizens can make citizen arrests for violations in some instances. This has been a part of the law.

What is somewhat confused is that we have perhaps 40 percent of the people enter into our country legally, but overstay. Maybe that large a percentage of our illegal population are visa overstays. The Court of Appeals in California—our Nation's clearly most liberal, the Ninth Circuit—concluded that local officers do not have the authority to detain those visa overstayers. If you break across the border, that is clearly a criminal offense and detention can be had for that, they say, but not for the others. Two other circuits—the Tenth and Fifth—seem to indicate otherwise.

The Department of Justice did a memorandum at one point that said there was not authority for the detention of people in our country who have not committed criminal violations of immigration law. Then that opinion was withdrawn. So the matter is confusing. There was an article in the Washington Times newspaper about it yesterday. The article quoted one of the people as saying there are gray areas here. There was an article in the Huntsville, AL, newspaper about a meeting with the police and the lawyers and the city council about what they could do to participate in the enforcement of laws with regard to those in our country illegally. The lawyers told them there is some confusion there.

Well, it is not hard for us to clear up that confusion. The House of Representatives tried to do it in their first bill last year, so they made it a felony to overstay and enter the country illegally. That resulted in an uproar and people saying we are going to make felons of them and that was awful, so there was a big retreat from that. We have to figure out the best way to proceed with it.

My view is two things need to occur. We need better training of our State and local law enforcement that goes into their existing power so they know what they are able to do and they don't overreach; second, we need to pass legislation. But this is an appropriations bill and we cannot legislate on an appropriations bill. We are not able to offer an amendment that would change or would clarify what the powers of the local law enforcement are.

We should make it quite clear that they have the power to detain anyone in our country illegally. They can detain a Governor. They can detain a mayor. They can detain a Senator. Why can't they detain somebody who is not a citizen and is in the country illegally?

What do the American people think about this? Americans strongly value our heritage as a nation of immigrants. Americans openly welcome legal immigrants and new citizens. They value the character, the ability, the decency, and the strong work ethic of so many of those who have come to our country. However, it is also clear that Americans do not feel the same way about those who violate our laws. The fact is, a large majority feel that State and local governments should be aiding the Federal Government in stopping illegal immigration.

A Roper poll titled ''Americans Talk About Illegal Immigration'' found that 88 percent of Americans agree and 68 percent strongly agree that Congress should require State and local government agencies to notify INS, now ICE, and their local law enforcement when they determine that a person is here illegally or who has presented fraudulent documentation.

Additionally, 85 percent of Americans agree and 62 percent strongly agree that Congress should pass a law requiring State and local governments and law enforcement agencies to apprehend and turn over to the INS illegal immigrants with whom they come in contact.

So this amendment I have offered is far less reaching. Those numbers speak volumes about the instincts and the understanding of the American people about the enforcement of laws in America.

It is important to note that these responses were collected in response to questions about requiring State and local law enforcement action. The amendment I have offered does not require that, although it is mightily frustrating to see cities and certain jurisdictions open, call themselves sanctuary bodies, and assert to the whole world that not only will they not help in any way to enforce the law but will, in fact, not cooperate with the enforcement of Federal laws in their jurisdiction. To me that is inexcusable. It is an affront to our history as a lawful society, and I am troubled by it.

Again, the first step is we should do a better job of training local and State law enforcement officers, and, second, we should clarify their jurisdiction. If we do not do that, I don't think we are very serious about bringing under control illegal immigration in America.

I did offer a second-degree amendment earlier, and I withdrew it. I ask unanimous consent that I be allowed to modify Senator DOLE's amendment to include the language I proposed.

The PRESIDING OFFICER (Mr. NELSON of Florida). Is there objection?

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MURRAY. Mr. President, I say to the Senator, there are a number of amendments we expect to be called up shortly. For the information of all Senators, we are working through the order we have in front of us right now. Staff is working through a number of amendments we think will be agreed to. At that point, we can work through the final amendments, and we will talk with the Senator about offering his amendment.

Mr. SESSIONS. I thank the Chair and thank Senator MURRAY.

I do feel strongly about this issue. We have talked about it for quite a number of years. It is time for us to get this matter settled and fixed. It is overdue. I look forward to working with the Senator.

I thank the Chair. I see other Senators have arrived.

I yield the floor.

Mrs. MURRAY. 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. THUNE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. THUNE. I ask unanimous consent to speak in morning business.

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

(The remarks of Mr. THUNE are printed in today's RECORD under ''Morning Business.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I have consulted with the Democratic manager of this bill, I have spoken to Senator COCHRAN, Senator MCCONNELL. We are going to plow on to finish this bill tonight.

Now, we have worked long and hard the last couple of weeks, late nights, and we may have to have one tonight. We really need to finish this legislation for all of the reasons we have all talked about before, not the least of which is we have so much to do next week that we have to finish this tonight. We also have some other things we are going to try to do, but everyone should be aware of that. Do not plan on going home for dinner tonight.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are making progress. We have been working through a number of amendments over the past several hours. I thank the majority leader, the minority leader, as well as the managers of the bill in helping us move forward.

AMENDMENT NO. 2496, WITHDRAWN

AMENDMENT NO. 2488, AS MODIFIED

I would just reiterate what Senator REID said earlier. I am happy that we

have finally resolved the issue regarding the amendment of the Senator from Louisiana. I believe we are at the point now where we can move forward on that.

I ask unanimous consent that the Cochran second-degree amendment No. 2496 be withdrawn; that the Vitter amendment No. 2488, as modified, be agreed to, and the motion to reconsider be laid upon the table with no intervening action or debate.

Mr. REID. And following the vote on that, that the Senator from Louisiana be recognized for 10 minutes to speak on the amendment.

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

The amendment (No. 2488), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, let me thank both the majority leader and the Democratic manager of the bill, Senator MURRAY, for their work, for their amicable resolution of this issue. I think it is a very good bipartisan, productive, amicable result. I appreciate all of you working together in that regard.

I also extend my thanks to Senator COCHRAN, the Republican manager of the bill, who was also very helpful in that regard in coming to a productive, amicable resolution. I appreciate all of that work.

I just wanted to underscore the importance of what we have done because I think this is a very important issue for the people of Louisiana, for the people of the entire United States.

Last year, on this very same bill, I joined with you, Mr. President, and we were successful in passing an amendment on the Senate floor, and then in the conference committee we were successful in passing a version of that out of the conference committee into law. That was an important step forward at the time to ensure we would not have Federal agents, we would not have the heavy hand, if you will, of the Federal Government coming down to rip out of people's grasp—U.S. citizens—pharmaceuticals they had bought properly in Canada as they were coming back into our country. I think the policy of doing that in the past was outrageous, particularly considering the sky-high prices American consumers face in the United States and the very different lower prices they face in Canada. So that step forward a year ago was very important.

I think what we just agreed to a few minutes ago, what will be on this bill, is an even more significant step forward because compared to what came out of conference and what was signed into law last year, this takes two additional steps.

First of all, we are no longer saying it is limited to prescription drugs on the person of an American citizen. What that means is that we are also including protection of Internet and mail order sales. That is enormously important for you, Mr. President, representing the State of Florida, and for me, representing the State of Louisiana. It is one thing for folks in Minnesota to travel to Canada and to come back; it is obviously a very different thing for folks in Florida or Louisiana to physically travel to Canada and come back. So compared to what we got passed into law last year, this is far broader and far more significant because it also covers mail order and Internet sales.

The second big difference is, again, what we passed last year was limited to a 90-day supply, and what we are passing on the Senate floor right now has no such limitation. Again, I think that is another significant step forward, a significant expansion of the law on the road to full-blown reimportation.

Again, I thank everyone who was involved in this very productive resolution. We got a resounding vote a year ago—68 to 32. We got, technically, even a better vote today, in the sense that it was voice voted, unanimous consent, so technically unanimous. We got a much broader provision today, which I think is a very important step forward on the road to my ultimate goal, which is full-blown reimportation with all the requisite safety provisions and authorizing language that would be involved.

Of course, we cannot do that authorizing legislation on this bill because it is an appropriations bill, but we can, we should, we must, on another vehicle soon, very soon, absolutely this year. I look forward to continuing to work with you, Mr. President, with other leaders on this issue, Senator SNOWE, Senator DORGAN, Senator THUNE, Senator DEMINT, and many others who completely support the ultimate objective of full-blown drug reimportation to allow American consumers unbridled access to safe, cheaper prescription drugs, including by mail order and the Internet.

Again, I believe the step we are taking here tonight, compared to what we were able to pass into law through the Vitter-Nelson amendment last year, is an important additional step in removing the limitation that it has to be on your person, so saying we can do it by mail order and the Internet, and by removing the limitation of a 90-day supply.

With that, I again thank all of the participants for this very positive, amicable, bipartisan resolution of the issue on this bill. I look forward to continuing to walk down this path toward the ultimate goal I share with you and so many others on the Senate floor.

I yield the floor.

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

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

UNANIMOUS CONSENT REQUEST—5849

Mr. DURBIN. Mr. President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may at any time proceed to consideration of Calendar No. 127, S. 849, the Openness Promotes Effectiveness in our National Government Act of 2007; that the bill be considered under the following limitations: that there be a time limit of 2 hours of general debate on the bill, with the time equally divided and controlled between the chair and ranking member of the Judiciary Committee or their designees; that the only amendment in order be a Leahy-Cornyn technical amendment, which is at the desk; that upon the use or yielding back of time, the amendment be agreed to, the bill as amended be read three times, and the Senate vote on passage of the bill, with the above occurring without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, it is my understanding that there are ongoing discussions with both sides of the aisle as well as the administration to come up with bipartisan, consensual language on this issue and that we are unable to clear the agreement at this time. Therefore, on behalf of several Republican senators, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, I understand Senator COCHRAN has expressed the sentiments of some on his side of the aisle. I would like to say for the record that we have made this proposal for several months now. I think those who are trying to move this issue have shown extraordinary patience in trying to reach an accommodation, and this is no reflection on the Senator from Mississippi, who was not involved in this debate, that I know of. It only is a plea to those who are considering the merits of this legislation to try to do so in a timely fashion.

Mr. President, I would like to reiterate what the majority leader said earlier for those following the debate. If there are Members of the Senate of either political party who have pending amendments on the Homeland Security appropriations bill, we encourage you to come to the Senate floor as soon as possible and be prepared to call up your amendment. We are going to stay in session tonight until all amendments are disposed of. We will vote on final passage this evening, whatever time that may be. We hope it will not be a late-night session, but when there are many amendments pending and no Members on the floor, it is a frustrating situation for everyone.

So I hope that those who have amendments they care about will come forward as soon as possible, come to the floor and work to try to resolve those amendments, withdraw these amendments, or bring them to a vote.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

AMENDMENT NO. 2462

Mrs. MURRAY. Mr. President, the pending amendment, I believe, is the Dole amendment No. 2462; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. Mr. President, I believe the amendment has been agreed to on both sides.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2462) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2449 WITHDRAWN

Mrs. MURRAY. Mr. President, the next pending amendment is the Dole amendment No. 2449. I believe that is the pending amendment.

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. Mr. President, I ask unanimous consent that amendment be withdrawn.

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

Mrs. MURRAY. Mr. President, I now ask unanimous consent that the following amendments be called up by the individual Senators, with the following time agreements, with no intervening action: amendment No. 2481, by Senator DEMINT; amendment No. 2516, by Senator SALAZAR; amendment No. 2498, by Senator SANDERS; that the Senators be allowed to speak for up to 10 minutes, with no intervening action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, with that we now have three Senators who will be calling up amendments.

I again say to any Senator who has an amendment they want to offer tonight, we are moving quickly to final passage. In a few minutes, we will have a number of amendments that have been agreed to on both sides. We will be calling those up.

Between now and then, the Senators I referred to will be speaking to their amendments and calling them up.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2481 TO AMENDMENT NO. 2383

Mr. DEMINT. Mr. President, I call up amendment No. 2481.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2481 to amendment No. 2383.

Mr. DEMINT. 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 prohibit the use of funds to remove offenses from the list of criminal offenses disqualifying individuals from receiving TWIC cards)

On page 69, after line 24, insert the following:

SEC. 536. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of Homeland Security to remove offenses from the list of criminal offenses disqualifying individuals from receiving a Transportation Worker Identification Credential under section 1572.103 of title 49, Code of Federal Regulations.

Mr. DEMINT. Mr. President, I had an opportunity this morning to speak briefly about this amendment, and in the interest of time I will be brief again.

This amendment is about the security of our ports. Two times within the last year this body passed a bill that would prohibit access to convicted felons of secure areas of our ports. We passed it once in the SAFE Port Act, and that amendment was diluted when it came back. Also, we will find in the 9/11 Commission bill that will come back—we had passed it and put it in as part of that bill—it has been once again diluted.

This needs to be a serious consideration. We can spend billions and billions of dollars on screening and all kinds of equipment, but if one person in our ports turns away from something being shipped in and does not do the proper inspection and lets something in, we could be in a lot of trouble as a country.

So this amendment simply does not allow the Secretary to use funds to eliminate any of the felonies listed in the amendment. Please keep in mind, this list of felonies is one that has been adopted by the Homeland Security agency. It is very similar to the lists we use in our airports, which have protected us for a number of years.

It is very important we recognize that people who have been susceptible to criminal activity can be susceptible again. This is not that we do not want to give people a second chance, but second chances should not be at the expense of the security of this country.

So this amendment would disallow the use of funds to water down and eliminate any of the felonies listed in the Department of Homeland Security's list of those who are denied access to what we call the TWIC cards, which are the transportation worker identification cards.

So with that, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, what is the pending business?

The PRESIDING OFFICER. The DeMint amendment No. 2481.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up an amendment.

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

AMENDMENT NO. 2516 TO AMENDMENT NO. 2383

Mr. SALAZAR. Mr. President, I call up amendment No. 2516 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for himself and Mr. MENENDEZ, proposes an amendment numbered 2516 to amendment No. 2383.

The amendment is as follows:

At the end, add the following:

SECTION 1. BORDER SECURITY REQUIREMENTS FOR LAND AND MARITIME BORDERS OF THE UNITED STATES.

(a) OPERATIONAL CONTROL OF THE UNITED STATES BORDERS.—Notwithstanding any provision in this Act, the President shall ensure that operational control of all international land and maritime borders is achieved.

(b) ACHIEVING OPERATIONAL CONTROL.—The Secretary of Homeland Security shall establish and demonstrate operational control of 100 percent of the international land and maritime borders of the United States, including the ability to monitor such borders through available methods and technology.

(1) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol may hire, train, and report for duty additional full-time agents. These additional agents shall be deployed along all international borders.

(2) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol may:

(A) Install along all international borders of the United States vehicle barriers;

(B) Install along all international borders of the United States ground-based radar and cameras; and

(C) Deploy for use along all international borders of the United States unmanned aerial vehicles, and the supporting systems for such vehicles;

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit a report to Congress detailing the progress made in funding, meeting or otherwise satisfying each of the requirements described under paragraphs (1) and (2).

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

SECTION 2. APPROPRIATIONS FOR SECURING LAND AND MARITIME BORDERS OF THE UNITED STATES.

Any funds appropriated under this Act shall be used to ensure operational control is

achieved for all international land and maritime borders of the United States.

Mr. SALAZAR. Mr. President, I ask unanimous consent that Senator MARTINEZ and Senator GRAHAM be added as cosponsors to this amendment.

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

Mr. SALAZAR. Mr. President, I note at the outset this amendment is sponsored by Senator MENENDEZ, myself, Senator GRAHAM, and Senator MARTINEZ.

What it does, in a very simple statement, is say any funds we appropriate under this legislation with respect to our border security should be used to ensure the operational control that needs to be achieved for all our international land and maritime borders of the United States.

This is an important amendment because the earlier amendment, which I cosponsored with Senator GRAHAM, focused on the appropriation of moneys to go to the southern border, the border between Mexico and the United States. The fact is, those of us who are here working on homeland security should care and do care about making sure we have secure borders to this country, including our land and our maritime borders.

So what this amendment does is it directs that these expenditures of moneys can be spent in securing our land borders to the north and to the south as well as our maritime borders of the United States of America. It is an amendment which is important, and there is an important statement to be made here. Much of the attention we have been giving to the southern border, in terms of the broken borders we are trying to fix in this immigration debate, has taken away the needed amount of attention we should be focused on with respect to the other borders.

The fact is, we have a very broken system of immigration. We have a very broken system of our borders today in the United States of America. But it is not just the border with Mexico that is broken. It is also the border between the United States and Canada, and it is also our maritime borders that need additional security. So it is my hope that with this amendment we will be able to put attention on our maritime borders as well as our northern border.

I wish to give a couple of examples about why it is that this amendment is needed. If you look at the number of examples we have with terrorists and other people who would wish to do us harm, they come in from across the borders, many of them come into this country legally and then they overstay their visas.

One example of what we know from the north, and that is in December of 1999, the Jordanian police foiled a plot to bomb hotels and other sites frequented by American tourists. It was a U.S. Customs agent on the U.S.-Canadian border who arrested the person who was smuggling explosives intended for an attack on Los Angeles International Airport. So when we talk about homeland security and we talk about securing our border to the south, it is equally important we are securing our border to the north, and it is equally important we are securing our maritime borders as well.

Another example: Recently, a human smuggling ring running undocumented work immigrants into the United States from Canada was dismantled. This was a human smuggling ring that was bringing undocumented workers through Canada. That ring was responsible for bringing dozens of Indian and Pakistani immigrants into the country.

So I think these are examples that demonstrate if we are going to secure our borders, it is not just the border between Mexico and the United States that needs to be secured; it is all the borders of the United States of America.

I urge my colleagues to join with Senator MENENDEZ, Senator MARTINEZ, Senator GRAHAM, and me in the adoption of this amendment.

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

The PRESIDING OFFICER (Mr. DURBIN). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the unanimous consent agreement, the Senator from Vermont is now recognized for up to 10 minutes.

Mr. SANDERS. Thank you, Mr. President.

What is the pending business?

The PRESIDING OFFICER. The pending business is Salazar amendment No. 2516.

Mr. SANDERS. Mr. President, I ask unanimous consent that the pending amendment be laid aside so I can call up an amendment.

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

AMENDMENT NO. 2498 TO AMENDMENT NO. 2383

Mr. SANDERS. Mr. President, I call up the Sanders-Feingold amendment No. 2498 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself and Mr. FEINGOLD, proposes an amendment numbered 2498 to amendment No. 2383.

The amendment is as follows:

(Purpose: To prohibit funds made available in this Act from being used to implement a rule or regulation related to certain petitions for aliens to perform temporary labor in the United States)

On page 69, after line 24, add the following:

SEC. 536. PROHIBITION ON USE FUNDS FOR RULEMAKING RELATED TO PETITIONS FOR ALIENS.

None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Federal Register 3984 (January 27, 2005).

Mr. SANDERS. Mr. President, let me begin by commending Chairman BYRD and Ranking Member COCHRAN for their outstanding leadership on this excellent piece of legislation. The fiscal year 2008 Homeland Security appropriations bill will make this country safer, and I thank Chairman BYRD and Senator COCHRAN for their hard work in crafting this bill.

The amendment I am offering now is, in fact, a very simple amendment. As you know, there is strong concern all over this country about the increase in poverty and the decline of the middle class. It seems to me—at a time when we are hemorrhaging millions of good-paying jobs; at a time when Americans are losing, by the millions, their health insurance, when moms cannot afford affordable childcare, people are losing their pensions—we have to do everything we can to make sure the policies we implement do not hurt low- and moderate-income families and make a bad situation even worse.

On the contrary, this Congress has to do everything we can to make sure we lift up wages—we lift up working conditions—and not push them down. Unfortunately, the Department of Homeland Security and the Department of Labor have proposed regulations that, if implemented, could have a significant negative impact in terms of lowering wages and working conditions for American workers.

Specifically, the Department of Homeland Security and the Department of Labor have proposed regulations that would eliminate the labor certification process and replace it with a labor attestation process. State workforce agencies and the Department of Labor as a whole would no longer be involved in certifying that employers applying for H–2B visas are not displacing American workers or adversely affecting the wages or working conditions of U.S. workers.

The proposed regulations, for the most part, would only require employers to attest—to attest—to the Department of Homeland Security that they are following the law. All they have to do is say: I am following the law. Trust us. In other words, the Federal Government would take employers at their word that they are complying with the law, with little, if any, oversight.

Among other things, the proposed regulations fail to ensure H–2B visa work is temporary in nature. H–2B work is supposed to be temporary. The proposed regulations fail to ensure that no qualified American worker is available for H–2B positions. In other words, the employer is supposed to go out and make sure there are not American workers available for that position. The proposed regulations fail to require that H–2B employers do not adversely affect U.S. wages and working

conditions, all of which are required by current law. In other words, the law says an employer cannot pay low wages which have the impact of lowering wages for all workers in that area.

Now, let me very briefly read to my colleagues what the AFL–CIO has written about these regulations:

The proposed regulations would significantly weaken the ability of the Department of Labor and the Department of Homeland Security to meet the statutory requirements of the H–2B program as established by Congress and would establish a new regulatory system that would be arbitrary and capricious. Current administrative procedures have so far failed to adequately protect H–2B workers, domestic workers, and the domestic labor market. The proposed regulations, rather than addressing and remedying these fundamental flaws in current procedures, would only further undermine the administration's ability to ensure the H–2B program operates in full compliance with the law and in a rational manner. The proposed regulations are not only unacceptable to the AFL–CIO and to worker and immigrant advocates as a matter of public policy—if enacted, they would also constitute an unjustified and unauthorized derogation from the administration's responsibilities under the law.

In addition, according to a recent report by the Southern Poverty Law Center entitled ''Close to Slavery,'' H–2B workers are routinely cheated out of wages; forced to mortgage their futures to obtain low wage, temporary jobs; held virtually captive by employers or labor brokers who seize their documents; forced to live in squalid conditions; and denied medical benefits for on-the-job injuries.

The amendment I am offering today would prohibit the Department of Homeland Security from using any of the funds in this act to implement these proposed regulations.

Given the serious abuses of the H–2B program by many employers documented by the Southern Poverty Law Center, and the strong opposition of working people from all over this country, I hope my colleagues will join me in supporting this amendment. We have a bad situation now. Let us not make it worse.

Simply put, we must make sure that labor protections for American workers and for foreign workers who are temporarily working in our country—we must make sure these regulations are strengthened, not weakened. Over the long term, I will be introducing legislation to accomplish that goal. But in the interim, we must not take a major step backwards in terms of protecting both U.S. workers and guest workers from unscrupulous employers. That is what this amendment is all about, and I urge my colleagues to vote ''yes'' on this amendment.

With that, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator LIEBERMAN be allowed 10 minutes to call up an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2407 TO AMENDMENT NO. 2383

Mr. LIEBERMAN. Mr. President, I thank the Chair and I thank my friend Senator MURRAY from Washington State. I call up amendment No. 2407.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself and Mrs. COLLINS, proposes an amendment numbered 2407 to amendment No. 2383.

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

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

The amendment is as follows:

(Purpose: To provide funds for the Interoperable Emergency Communications Grant Program)

On page 35, line 20, strike ''$3,030,500,000'' and insert ''$3,130,500,000''.

On page 39, line 21, strike the colon, insert a period and add the following:

(4) $100,000,000 for grants under the Interoperable Emergency Communications Grants Program established under title XVIII of the Homeland Security Act of 2002; Provided, That the amounts appropriated to the Department of Homeland Security for discretionary spending in this Act shall be reduced on a pro rata basis by the percentage necessary to reduce the overall amount of such spending by $100,000,000.

Mr. LIEBERMAN. Mr. President, this amendment is introduced by the Senator from Maine, Ms. COLLINS, the ranking member of the Homeland Security Committee, and myself. At this time I wish to ask unanimous consent that Senator MCCASKILL of Missouri be added as an original cosponsor.

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

Mr. LIEBERMAN. Mr. President, as the Presiding Officer knows, in a short while this evening, the Senate will consider the conference report, which has brought together the so-called 9/11 legislation passed by both the House and the Senate. I am very pleased, as I will say when that matter comes up, that the conferees have reached an agreement, because I believe this bill will greatly enhance the security of the American people, protecting them from natural disasters and also, God forbid, from a terrorist attack. This conference report will enact remaining unenacted or inadequately enacted recommendations of the 9/11 Commission.

Specifically in regard to this amendment, the conference report will create, if favorably adopted, a new interoperability emergency communications grant program to help Federal, State, and local responders achieve comprehensive interoperability.

My colleagues know the need from which this amendment arises, and, in fact, some of the tragic experiences from which it arises. On September 11 at the World Trade Center and the Towers, we know as a matter of fact that lives were lost because the heroic emergency response personnel—the firefighters, the police officers, the emergency medical personnel—simply could not communicate with one another because their systems did not allow them to do that. During Hurricane Katrina, there was a breakdown because of the catastrophic impact of that natural disaster in the very operability of communications.

We have heard from experts on how best respond to these disasters and of the crying need for investment in making our communications systems interoperable. Our State and local emergency response officials, elected officials, tell us this is a crying need. The fact is it is a need that is very hard, particularly for local governments, to satisfy. Anybody who has ever dealt with a municipal budget looks at the budget of the firefighters, the police departments—these are personnel-intensive budgets. There is not enough left over for what might be called capital investments, equipment investments. So this need for interoperable communications, which will save lives, without question, will simply not be met fast enough if we leave it to the local governments.

Now, in the 9/11 Commission bill which we will consider later, this interoperability emergency communications grant program is not only created but authorizes the expenditure of $1.6 billion for this purpose over the next 4 years. This Homeland Security appropriations bill before us makes a substantial increase over the President's budget in funding for homeland security, $2¼ billion. It is absolutely the right thing to do. It is absolutely the necessary thing to do to protect the American people from disaster and/or a terrorist attack. However, the bill before us does not include any money for interoperability of communications at the local level.

Perhaps because this conference report we are going to consider tonight was not adopted when the Homeland Security Appropriations Subcommittee reached its judgments, I will say for the record that the Senate itself earlier this year, in the Senate budget resolution, supported $400 million in dedicated funding for this program, with passage of that budget resolution, in anticipation, I believe, of this new program.

What this amendment, offered by the Senator from Maine and myself and the Senator from Missouri, does is to provide $100 million to fund a first payment to fund this new interoperability emergency communications grant program. It is a kind of downpayment at a meaningful level; not as much as is necessary, but a beginning to this program. The authorization in the conference report is important. It takes a critical step forward. But it must be funded, or it will not mean anything to our first responders and those of the rest of us in America who depend on them for our protection.

I wish to note as an indication of the urgent need for this kind of funding that the following first responder groups have written and expressed their support for this amendment: the International Association of Firefighters, the International Association of Fire Chiefs, the International Association of Chiefs of Police, the Association of Public Safety Communications Officials International, the Congressional Fire Service Institute, and the National Volunteer Fire Council. All of these folks representing millions of first responders around America are asking for this funding.

I will report to my colleagues that the House has included $50 million as a first payment to fund this interoperability communications fund in its Homeland Security appropriations bill. I hope my colleagues will help us do our part, now that we are about to authorize the fund later tonight by adopting this amendment.

I ask when the vote is taken on this amendment that it be taken by the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

Mr. LIEBERMAN. I thank the Chair and I yield the floor.

Mrs. MURRAY. Mr. President, I want our colleagues to know we are trying to work as diligently as possible to move forward at this time. The Senator from New Jersey wants 10 minutes to speak, and after that I think we can start moving on some of the amendments. So I ask unanimous consent that the Senator from New Jersey to speak for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I appreciate my distinguished colleague from Washington State providing the time.

I rise in strong support of the Salazar-Menendez amendment. I expect from all of the voices I have heard in our debate about immigration as part of this Homeland Security bill that we will have resounding support for this amendment, because I know those who want to protect the United States at its border crossings are going to want to protect all of its border crossings.

I have heard a lot about our challenges along our southern border, but I have heard nothing about our challenges along our northern border. In that respect, I think it is important to call the attention of the Senate to the fact that over the last several years, according to official reports, the Congressional Research Service tells us there have been nearly 69,000 individuals who have crossed over the northern border and, of course, that number is small in comparison because we don't have the Border Patrol agents on the northern border to be dealing with the interdictions that would be called for.

So while there are 13,488 Border Patrol agents in the entire force, there are only 965 agents along the northern border. That northern border has over 5,525 miles of border between the United States and the North, significantly more than the 1,993 miles along the southern border. Yet over 69,000 people have crossed, to our knowledge, because if you divide out the number of Border Patrol agents at any given time on the northern border, they are looking at patrolling hundreds and hundreds of miles for a fraction of what is the Border Patrol on any given shift. Therefore, what that number tells us is that while thousands cross on the northern border, we don't even know the magnitude of it, because we are not paying attention. We are not paying attention on the northern border.

I will remind my colleagues that it was Ahmed Ressam in 1999, December of 1999, the millennium bomber, who came in through the northern border of the United States. We don't seem to be concerned about the northern border. What Senator SALAZAR's and my amendment simply does is to make sure that we are, in fact, looking at all of our international borders and allocating the resources appropriately.

Now, unless this debate is about something more than protecting the United States, we should have a resounding vote. Because if you are concerned about one terrorist coming through a border, you should be concerned about a border that is far more porous, far greater in length; the one that actually has a history of having someone who sought to commit an act of violence within the United States crossing that northern border—one that is totally undermanned in the context of protecting that border and, obviously, it means we have far greater numbers than the 69,000; at the same time, one in which we have actually seen the number of Border Patrol agents decrease. We have a mandate in the 2004 Intelligence Reform and Terrorist Prevention Act that mandated that the Canadian border receive increases in Border Patrol agents equal to 20 percent of the Border Patrol agents that exist. And, ultimately, we have seen a reduction during fiscal year 2005–2006 in the total number of Border Patrol agents by nearly 9 percent.

So we have a history of people crossing the border, a history of the millennium bomber. Yet we have a decrease in Border Patrol agents who are on the northern border. You are either for protecting the country or you are not. By the way, if I were a terrorist, and I wanted to get into the United States, and the bottom line is that I know they are going to put everybody down at the southern border, guess what. I would be coming through the northern border because with over 5,500 miles and with only 965 total Border Patrol agents for three shifts around the clock for that whole stretch, that makes it a much greater percentage for me to be able to come over the northern border than to face the challenges of the southern border.

I know our colleagues here who care so much, as we do, about the national security and the defense of this country are going to give this amendment an overwhelming vote. I expect it to be accepted by a voice vote. If the answer is no, we are not concerned about the northern border, then I have to question the motives of some in this debate because we are either concerned about the security of the country or we have a certain prejudice over a certain part of what we consider a threat to the United States. Porous borders are a collective threat. But when we focus all of our time and attention at one end, let's leave a wide gaping hole on the other part, the one that has over 2½ times more territory to cover and has probably 10 percent of all the Border Patrol agents in the country.

I am sure this will be accepted by voice or we will have an overwhelming vote because the absence of having an overwhelming vote to make sure we protect our country indicates to me that the concern of some is not about protecting our country, the concern of some is that, in fact, they have a concern about who comes to this country—not because they seek to provide an act of terrorism, but because of who they are. So I think this will be a defining moment in which we can collectively work to protect our country, make sure we have the appropriate resources and allocations of them to the northern border as well as the southern border, make sure that we fill up all of our security gaps and, therefore, strengthen the security of the country. In the absence of that, many of us will have to question what this debate has really been about.

With that, I yield the floor.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I ask unanimous consent that at 8:30 this evening, the Senate proceed to vote in relation to the following amendments in the order listed; that no amendments be in order to any of the amendments in this agreement prior to the vote; that there be 2 minutes of debate equally divided in the usual form prior to each vote: Lieberman amendment No. 2407, Sanders amendment No. 2498, Salazar amendment No. 2516, and DeMint amendment No. 2481.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Reserving the right to object, I ask the managers of the bill if there is going to be another set of amendments on which we are going to vote tonight.

Mrs. MURRAY. Mr. President, I understand that the Senator from Louisiana and the Senator from Oklahoma both would like to call up an amendment, but in the intervening time between now and 8:30, we welcome talking with the Senators to set up some time for those who want to call up their amendments to do so.

Ms. LANDRIEU. Reserving the right to object, are there only two other amendments that are to come up?

Mrs. MURRAY. No, there are a number of amendments beyond the four I just mentioned.

The PRESIDING OFFICER. Is there objection to the request?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, might I take 30 seconds to explain why? I have no objection to the text of the Salazar amendment and have talked with Senator SALAZAR about it. My understanding is that it has the same rule XVI germaneness objection to it that is being posited against an amendment of mine, which I think also is not objectionable. I want to make sure all amendments are treated the same that have the same objection to them.

Mrs. MURRAY. Mr. President, if the Senator will withhold his objection, I inform him that when the Salazar amendment is pending before the Senate, he will be able to offer a rule XVI point of order if he so wishes.

Mr. KYL. Mr. President, I understand there was a unanimous consent request to consider the amendment. I was in the cloakroom at the time and had to come out. Perhaps I misunderstood.

Mrs. MURRAY. The amendment will be called up for a vote, and a rule XVI point of order could be raised at that point on the amendment. We are simply setting up these amendments to consider at that time.

Ms. LANDRIEU. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I registered my objection, and I continue to do so, but I am happy to try to work something out.

Mr. COCHRAN. Mr. President, isn't it true that we don't have to have unanimous consent to proceed to a vote? This is all that is being asked. We are not asking to adopt these amendments, but we are simply setting up an order and a time for the voting to begin. I just didn't want anybody to misunderstand what is being asked.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I revise my unanimous consent request: that at 8:30 this evening, the Senate proceed to vote in relation to the following amendments—we will remove the Salazar amendment—and that no other amendments will be in order: Lieberman amendment No. 2407, Sanders amendment No. 2498, and DeMint amendment No. 2481.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I would like to be added to the unanimous consent request. I am very unclear as to whether there will be an objection to me offering an amendment. I would like it added to the list. The Senator from Mississippi said we don't need unanimous consent to file my amendment. I want my amendment to be filed and will take a vote up or down.

Mrs. MURRAY. I add to the unanimous consent I already put in place that following this order being put in place, between now and 8:30 p.m. that Senator COBURN and Senator LANDRIEU be allowed to call up their amendments and speak for 10 minutes each.

The PRESIDING OFFICER. Is there objection to the request as modified?

Mr. MENENDEZ. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Is it the intention of the Senator from Washington—while I understand this is simply for the purposes of an order, are we expecting, regardless of the order, a vote to be called on the Salazar amendment?

Mrs. MURRAY. May I respond to the Senator? Their amendment is one of the pending amendments. The yeas and nays have been ordered on it. So before this bill is finally adopted, their amendment will be in order at some point.

We are trying to move our way through, Mr. President, to the end of this evening. The majority leader has said we will finish this bill tonight. There are a number of amendments that are pending. We hope to dispose of all of them before it gets too late this evening.

I again ask unanimous consent as I said before.

The PRESIDING OFFICER. Is there objection to the request as modified? Without objection, it is so ordered.

The Senator from Oklahoma.

AMENDMENT NO. 2442 TO AMENDMENT NO. 2383

Mr. COBURN. Mr. President, I thank the chairman and appreciate her consideration in giving me an opportunity to call up an amendment even though we are not going to debate it. We will put it in the pending file. I understand that. I thank her for her courtesy.

I ask that the pending amendment be set aside and that amendment No. 2442 be brought up.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. DEMINT, proposes an amendment numbered 2422 to amendment No. 2383.

Mr. COBURN. 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 prohibit funding for no-bid earmarks)

At the appropriate place, insert the following:

SEC. ____. (a)(1)(A) None of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract awarded through a congressional initiative unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) Except as provided in paragraph (3), none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract awarded through a congressional initiative unless more than one bid is received for such contract.

(2) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant or cooperative agreement through a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3)(A) If the Secretary of Homeland Security does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the contract, grant, or cooperative agreement is essential to the mission of the Department of Homeland Security.

(b)(1) Not later than December 31, 2008, the Secretary of Homeland Security shall submit to Congress a report on congressional initiatives for which amounts were appropriated during fiscal year 2008.

(2) The report submitted under paragraph (1) shall include with respect to each contract and grant awarded through a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) The report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Homeland Security.

(c) In this section:

(1) The term ''congressional initiative'' means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(A) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that

provision of law or directive and that was not requested by the President in a budget submitted to Congress; and

(B) the amount of the funds appropriated or otherwise made available for such project.

(2) The term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

Mr. COBURN. Mr. President, this is a fairly simple amendment. I plan on offering this on every appropriations bill. What it says to the American people is we know we are going to do certain things to send projects home. What this says is if you do that, then there ought to be a competitive bid on the project rather than a sweetheart deal to wherever it is going.

It is a very simple amendment. It says if we are going to send something home through an earmark, then the process of expending that money ought to be on a competitive bid basis so we get good value for the American taxpayer—no cost-plus, just competitively bid.

With that, I reserve my debate for a later time and yield the floor.

Mrs. MURRAY. 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. LANDRIEU. 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. 2525 TO AMENDMENT NO. 2383

Ms. LANDRIEU. Mr. President, I ask unanimous consent to send an amendment to the desk.

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

Ms. LANDRIEU. Mr. President, in the underlying bill, which makes a tremendous amount of progress, in my opinion, with protecting the homeland—increasing funding for port security, transportation, et cetera, and I have said publicly and privately my great thanks, on behalf of the people of Louisiana whom I represent, to the leaders managing this bill—in the underlying bill, there is a provision that some of us have worked very hard on to help expedite the rebuilding of schools in the gulf coast area.

As you know, 2 years this August is the anniversary of Katrina and Rita. Literally hundreds of schools were destroyed. As I said a thousand times on this floor and will continue to say, the Federal Government was simply overwhelmed by the catastrophic nature of this event, the scope of which had never been seen. So I offer this amendment, and send one to the desk that I am speaking of now to help fix one very small problem with actually one school.

The underlying bill sets up a process—and I am very grateful to the committee, Republicans and Democrats, who supported a new process—and actually FEMA was very helpful in supporting a new process—to help us rebuild the schools faster, better; not at greater expense to the taxpayer but a better way to deal with this catastrophic disaster.

However, if this amendment I am offering right now does not pass, there will be one school that is left out of this fix, and that is why I offer it, on behalf of a very small parish in south Louisiana, a school I happened to visit, a school that thought they had one agreement with FEMA but, evidently, there was a great misunderstanding.

This school has 500 children who go here, and they have had a very difficult time over the last 2 years, so I offer this amendment for them. It is extremely small, when compared to all the amendments my colleagues are offering, but it would help them to get their small school district back up and running. That is the essence of what the amendment does. As I say, it will affect basically one school in New Iberia Parish.

Mr. President, I yield the floor.

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

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 2525 to amendment No. 2383.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to dispense with the reading of the amendment.

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

The amendment is as follows:

(Purpose: To require regional evacuation and sheltering plans)

On page 69, after line 24, add the following:

SEC. 536. EVACUATION AND SHELTERING.

(a) REGIONAL EVACUATION AND SHELTERING PLANS.—

(1) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in coordination with the heads of appropriate Federal agencies with responsibilities under the National Response Plan or any successor plan, States, local governments, and appropriate nongovernmental organizations, shall develop and submit to Congress, regional evacuation and sheltering plans that—

(A) are nationally coordinated;

(B) incorporate all appropriate modes of transportation, including interstate rail, commercial rail, commercial air, military air, and commercial bus;

(C) clearly define the roles and responsibilities of Federal, State, and local governments in the evacuation plan; and

(D) identify regional and national shelters capable of housing evacuees and victims of an emergency or major disaster in any part of the United States.

(2) IMPLEMENTATION.—After developing the plans described in paragraph (1), the Administrator of the Federal Emergency Management Agency and the head of any Federal agency with responsibilities under those plans shall take necessary measures to be able to implement those plans, including conducting exercises under such plans as appropriate.

(b) NATIONAL SHELTERING DATABASE.—The Administrator of the Federal Emergency Management Agency, in coordination with States, local governments, and appropriate nongovernmental entities, shall develop a national database inventorying available shelters, that can be shared with States and local governments.

(c) COST-BENEFIT ANALYSIS.—

(1) IN GENERAL.—The Administrator of the Federal Emergency Management Agency, in consultation with the heads of appropriate Federal agencies with responsibilities under the National Response Plan or any successor plan, shall conduct an analysis comparing the costs, benefits, and health and safety concerns of evacuating individuals with special needs during an emergency or major disaster, as compared to the costs, benefits, and safety concerns of sheltering such people in the area they are located when that emergency or major disaster occurs.

(2) CONSIDERATIONS.—In conducting the analysis under paragraph (1), the Administrator of the Federal Emergency Management Agency shall consider—

(A) areas with populations of not less than 20,000 individual needing medical assistance or lacking the ability to self evacuate;

(B) areas that do not have an all hazards resistance shelter; and

(C) the health and safety of individuals with special needs.

(3) TECHNICAL ASSISTANCE.—The Administrator of the Federal Emergency Management Agency shall, as appropriate, provide technical assistance to States and local governments in developing and exercising evacuation and sheltering plans, which identify and use regional shelters, manpower, logistics, physical facilities, and modes of transportation to be used to evacuate and shelter large groups of people.

(d) DEFINITIONS.—In this section, the terms ''emergency'' and ''major disaster'' have the meanings given those terms in section 102 of ther Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

AMENDMENT NO. 2407

Ms. COLLINS. Mr. President, shortly the Senate will vote on an amendment Senator LIEBERMAN and I have offered to provide $100 million in badly needed funding for a new emergency communications grant program. This program is about to be authorized in the Homeland Security bill we have recently completed the conference negotiations on, and which I anticipate will be cleared either tonight or tomorrow morning.

When we look at the needs of our first responders, interoperability of communications equipment is at the top of their list. We saw on 9/11 that firefighters, police officers, and emergency medical personnel lost their lives because of an inability to communicate due to incompatible equipment. We saw it again in the aftermath of Hurricane Katrina, where police could not communicate with firefighters, who could not communicate with emergency medical personnel.

Unfortunately, achieving interoperability is an expensive, lengthy, and difficult process, and it is one our State and local governments need assistance in meeting. The proposal Senator LIEBERMAN and I have put forth is a pretty modest proposal. The Homeland Security conference report authorizes a $400 million program. The budget resolution did as well for this year. What we are asking for is a modest downpayment of $100 million. It is offset by a modest reduction in other accounts.

Let me say that this amendment does have the strong support of our first responder community. It has been endorsed by the International Association of Fire Chiefs, the Congressional Fire Services Institute, the International Association of Firefighters, the International Association of Chiefs of Police, and the Association of Public Safety Communications Officials International.

Mr. President, I ask unanimous consent that endorsement letters from those organizations be printed in the RECORD.

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

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS®,
Washington, DC, July 26, 2007.

Hon. JOSEPH LIEBERMAN,
U.S. Senate,
Washington, DC.
Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN AND SENATOR COLLINS: On behalf of the nation's more than 280,000 professional fire fighters and emergency medical personnel, I am writing to express our support for your amendment to the 2008 Homeland Security Appropriations Act for Fiscal Year 2008 providing $100 million for grants to improve emergency communications.

The Department of Homeland Security's 2006 National Interoperability Baseline Survey found that first responder agencies have made some progress towards achieving interoperability. However, the failure of emergency personnel to communicate with each other along the Gulf Coast in the wake of Hurricane Katrina provides a stark example of just how much work remains to ensure that first responders have adequate communications capabilities in emergencies.

The new grant program dedicated to improving first responder communications, established in the 9/11 Commission Act, will help states achieve this critical goal. By permitting funds to be used to assist with a variety of activities, including activities to achieve basic operability, this new program will enable states and regions to overcome their own unique communications challenges, and ensure a solid foundation upon which to build an interoperable communications network.

The ability of first responders to communicate with each other, as well as with state and federal authorities, is integral to any effective, coordinated emergency response. The Lieberman-Collins amendment will provide a down payment on our commitment to help America's first responders communicate during an emergency.

Thank you for your leadership on this vital issue and your continued strong support of our nation's fire fighters.

Sincerely,

HAROLD A. SCHAITBERGER,
General President.

[From the APCO International]

APCO SUPPORTS LIEBERMAN-COLLINS COMMUNICATIONS INTEROPERABILITY AMENDMENT

The Association of Public-Safety Communications Officials (APCO) International supports Senators Lieberman and Collins's amendment to appropriate $100 million for a new Interoperable Communications Grant Program.

Since 2002, our nation has had to overcome the devastation caused by Hurricanes Katrina and Rita on the Gulf Coast, which showed the operational vulnerability of emergency communications systems. The issue was not only interoperability but also operability. Due to the lack of operable emergency communications systems, command and control of the disasters was almost non-existent.

Five years after September 11, 2001 APCO International finds that, while there have been significant accomplishments to report on issues affecting public safety communications, there is also a disturbing lack of progress. Multiple nationwide surveys indicate there are significant shortfalls in communications operability and interoperability in many regions and locales with many contributing factors. The lessons learned from 9/11 and Hurricanes Katrina and Rita for emergency communications are simple. Be prepared. Preparedness, planning and training are the key elements to achieving operability and interoperability during day-to-day activities and disasters.

Preparedness involves planning and implementing current and effective technology solutions. Preparedness involves coordination and mutual aid agreements with surrounding jurisdictions, state and federal government agencies. Preparedness involves making sure your personnel and equipment are able to function during any emergency and meet the unexpected challenges that may arise at any time. Preparedness is making sure the daily operations of the emergency communications center are adaptable to any unexpected situation. Preparation also includes adequate funding for planning and operations.

We strongly believe this amendment will provide the funding needed to vastly enhance our Nation's operability and interoperable emergency communications systems and we hope that your Senator can support this amendment.

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS,
Fairfax, VA, Mar. 2, 2007.

Hon. JOSEPH LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LIEBERMAN: On behalf of the nearly 13,000 chief fire and emergency officers of the International Association of Fire Chiefs (IAFC), I would like to express our support for several major provisions included in S. 4, the Improving America's Security Act of 2007. I appreciate the hard work and dedication your committee has put into this legislation, and I urge the Senate to move expeditiously towards its passage.

The IAFC is proud to endorse the information sharing programs outlined in Title I of the bill. These programs, which include guidelines to help integrate the fire service into fusion centers and a fellowship program designed to improve the exchange of intelligence data between government entities, constitute a significant step forward in our nation's homeland security efforts. By ensuring that fire departments and other emergency response providers participate directly in fusion centers, Title I will open new doors for nontraditional information gathering, enhanced capabilities assessments, and better coordination between the fire service and law enforcement in planning for and responding to major disasters. Simply put, these changes will make our information sharing programs more effective and our country safer.

Additionally, the IAFC strongly supports the operable and interoperable communications programs defined in Title III. The IAFC is working with partners in public safety on numerous fronts to strengthen the voice and data communications capabilities of first responders throughout the United States. Accomplishing this goal requires adequate spectrum for responders to communicate, as well as funding for purchase and installation of the equipment necessary to utilize the available spectrum. At present, substantial action remains to be taken by the federal government on both fronts, and Title III of S. 4 will make a positive contribution by authorizing over $3 billion for the Emergency Communications Operable and Interoperable Grants program.

Furthermore, the IAFC supports the critical infrastructure provisions set forth in Title X of the Improving America's Security Act. The IAFC looks forward to working towards Title X's critical infrastructure goals through the partnership model currently reflected in the National Infrastructure Protection Plan (NIPP). In particular, we believe that ensuring adequate protection for human elements—as well as physical and cyber elements—will be an essential part of the critical infrastructure protection efforts carried out by the fire service under this title.

Finally, the IAFC strongly believes that however grant reform measures (such as those described in Title II) are resolved in this legislation, the final product should preserve the all-hazards nature of the FIRE and SAFER Act grant programs. These programs were created with an emphasis on equipping the fire service with the tools, equipment, training, staff, and other resources needed to respond effectively to all types of emergencies—whether natural or man-made, great or small. In its present form, section 2002(c) of the Improving America's Security Act fully protects the FIRE and SAFER Act grant programs, and any changes to the grant reform section should preserve section 2002(c) as it is currently written.

As the primary fire service leadership organization in the United States, the IAFC would like to thank you and your dedicated staff for your work thus far on S. 4. The IAFC stands ready to provide you with information and support as the Improving America's Security Act of 2007 moves forward in the legislative process.

Sincerely,

CHIEF JAMES B. HARMES,
CFO, President.

JUNE 7, 2007.

Hon. JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.
Hon. SUSAN COLLINS,
Ranking Member, Committee on Homeland Security and Governmental Affairs U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN AND RANKING MEMBER COLLINS: On behalf of our organizations, we urge you to consider the following issues as conference negotiations on H.R. 1, the Implementing the 9/11 Commission Recommendations Act, and S. 4, the Improving America's Security Act get underway. Individually and collectively, we appreciate the support you have shown for the fire and emergency services through your work on this critical homeland security legislation.

Over the past sereral years, the question of how homeland security grant funding should be distributed has been an extremely contentious issue. While we do not have a position on how this matter should be resolved, we do ask that you make sure that the FIRE and SAFER Act grant programs are not affected by reforms included in the conference report. The FIRE and SAFER Act grant programs were created with an emphasis on equipping the fire service with the tools, equipment, training, staffing, and other resources needed to respond effectively to all types of emergencies—whether natural or man-made,

great or small. Section 2002 of each bill fully protects these programs, and any compromise grant reform section should preserve these safeguards.

A second issue of critical importance to the fire service is the ability to communicate effectively. As you know, first life responders throughout the United States are currently facing major challenges in the area of wireless communications. Fortunately, both H.R. 1 and S. 4 create new grant programs designed to help address this problem. In crafting the final version of the communications grant program, we ask you to retain the $3.3 billion authorization total included in S. 4, ensure that funding is available for both operable and interoperable communications projects, and build in flexibility allowing funding to be used for systems in a wide range of operating frequencies. Furthermore, we urge you to ensure that these grants utilize the Department of Homeland Security's SAFECOM grant guidance and fund all of the areas defined in the SAFECOM ''Interoperability Continuum,'' including governance.

In addition to seeking progress on the issues above, the first responder community also wishes to see a well-prepared private sector that will voluntarily take its share of responsibility for emergency preparedness and business continuity. The voluntary private sector preparedness program outlined in S. 4, which relies on standards such as the NFPA 1600 Standard on Disaster/Emergency Management and Business Continuity Programs, would enable our nation to better protect lives and property. This initiative complements other first responder disaster and emergency preparedness plans and is critical for a robust homeland security policy. Accordingly, we believe that the Senate-passed language should be retained in the conference report.

Finally, we strongly urge you not to include provisions in the conference report that would establish new federal mandates for re-routing of hazardous materials around urban areas. While we understand that local re-routing may be necessary on a case-by-case basis, federal mandatory re-routing regulations would create additional dangers by shifting hazardous materials to rural areas that may not be as well-staffed or equipped to deal with an incident. In addition, re-routing hazardous materials would keep them in transit for a longer amount of time, which would increase the risk and the potential for an incident to occur. Larger, urban fire departments are generally in a better position to handle these incidents, because they have more specialized equipment and other resources.

Again, thank you for your attention to these pressing homeland security issues. Should you have questions or desire additional information as you move through the conference process, please do not hesitate to contact Kevin King.

Sincerely,

CHIEF JAMES B. HARMES,
CFO, President, IAFC.
THOMAS FEE,
President, IAAI.
JAMES M. SHANNON,
President, NFPA.
CHIEF PHILIP C. STITTLEBURG,
Chairman, National Volunteer Fire Council.

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS®,
Washington, DC, February 13, 2007.

Hon. JOSEPH LIEBERMAN,
Hon. SUSAN COLLINSm,
Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN AND RANKING MEMBER COLLINS: On behalf of the nation's more than 280,000 professional fire fighters and emergency medical personnel, I applaud you for your efforts to implement the recommendations of the 9/11 Commission. We are especially grateful that you included in your proposal provisions to reform our nation's Homeland Security Grant Program and enhance first responder communications.

The establishment of the new grant program dedicated to improving communications operability and interoperability is vital to protecting the health and safety of our nation's fire fighters. Permitting funds to be used to assist with a variety of activities, including activities to achieve basic operability, will enable states and regions to overcome their own unique communications challenges.

Provisions ensuring that states provide local governments and first responders homeland security funding in an expedited manner, and permitting a portion of funds to be used for the payment of overtime and backfill costs will allow communities to take full advantage of this invaluable federal assistance.

The Improving America's Security Act also demonstrates your strong commitment to America's fire service. By guaranteeing that members of the fire service are involved in local planning to determine effective funding priorities, and by maintaining FIRE and SAFER grants as separate and distinct programs, you properly ensure that America's fire service will continue to receive funding to fulfill its vital role in local emergency preparedness.

Thank you for your leadership on these vital issues. We appreciate your willingness to work closely with the IAFF in developing the Improving America's Security Act, and look forward to continuing our work together on behalf of our nation's emergency response personnel.

Sincerely,

BARRY KASINITZ,
Director, Governmental Affairs.

Ms. COLLINS. Mr. President, again, I hope our colleagues will take a hard look at this amendment and will decide it warrants their support to address one of the major problems that has hampered emergency response, decreased the effectiveness of those who are putting their lives on the line, and truly can be a matter of life and death.

Let me end my comments by applauding, nevertheless, the Homeland Security Appropriations Subcommittee for their hard work. Senator BYRD, Senator MURRAY, and Senator COCHRAN have done a terrific job on a very difficult issue, but this is an attempt to make their good work even better.

I thank the Chair.

Mrs. MURRAY. 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.

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

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

There are now 2 minutes equally divided prior to a vote on the Lieberman amendment. The Senator from Washington.

Mrs. MURRAY. Mr. President, I would like to inform the Senate that I believe both sides are in agreement that the Lieberman amendment is accepted. I ask unanimous consent to vitiate the yeas and nays on the Lieberman amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, may I first thank Senator MURRAY, Senator COCHRAN, and our colleagues for their support. This is an important amendment. It is a bipartisan amendment. The Homeland Security appropriations bill could not have funded the Emergency Grant Program set up by the 9/11 bill, which we have not passed yet, so I appreciate very much their support. This amendment is supported by almost all of the first responder groups—firefighters, police officers, volunteer firefighters, et cetera—because they desperately need funding to help them make their communication systems interoperable.

Thanks to our colleagues on both sides. Senator COLLINS and Senator MCCASKILL and I join in those thank yous.

I urge the adoption of the amendment.

The PRESIDING OFFICER (Mr. DURBIN). If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2407) was agreed to.

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

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2498

Mrs. MURRAY. What is the pending amendment?

The PRESIDING OFFICER. The pending business before the Senate under the unanimous consent agreement is the Sanders amendment, on which there are 2 minutes equally divided.

Who yields time? The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, what the H–2B program provides is that guest workers may come into this country on a temporary basis if no qualified U.S. worker is available for that position and that the wages paid to H–2B employees do not adversely impact U.S. wages and working conditions. Unfortunately, the Department of Homeland Security and the Department of Labor have proposed regulations that would eliminate the labor certification process and move toward a process which has virtually no enforcement mechanisms and which simply takes the employer's word as to

whether they are obeying these regulations. In other words: Trust us, we are doing the right thing.

This is absurd. This amendment would simply prohibit the Department of Homeland Security from using any of the funds in this act to implement these proposed regulations. This amendment is supported by Senator FEINGOLD as well.

The PRESIDING OFFICER. Who yields time in opposition?

One minute is allowed under the unanimous consent agreement.

Is the time yielded back? In the opinion of the Chair, the time is yielded back.

The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted ''no.''

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

The result was announced—yeas 51, nays 43, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—51

Akaka	Feinstein	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Bayh	Inouye	Pryor
Biden	Kennedy	Reed
Bingaman	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown	Kohl	Salazar
Byrd	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Sessions
Carper	Levin	Specter
Casey	Lieberman	Stabenow
Clinton	Lincoln	Tester
Conrad	McCaskill	Voinovich
Dorgan	Menendez	Webb
Durbin	Mikulski	Whitehouse
Feingold	Murray	Wyden

NAYS—43

Alexander	DeMint	Lugar
Allard	Dole	Martinez
Barrasso	Domenici	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Roberts
Bunning	Graham	Shelby
Burr	Grassley	Smith
Chambliss	Gregg	Snowe
Coburn	Hagel	Stevens
Cochran	Hatch	Sununu
Collins	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Isakson	Warner
Craig	Kyl	
Crapo	Lott	

NOT VOTING—6

Brownback	Dodd	McCain
Coleman	Johnson	Obama

The amendment (No. 2498) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are now to the DeMint amendment No. 2481. That is the pending item.

I believe the Senators on this side are ready to accept this amendment, and if the Senator wants a voice vote, we are more than happy to do it.

Mr. DEMINT. Mr. President, I would like the yeas and nays.

The PRESIDING OFFICER. The yeas and nays were previously ordered. Who yields time? Two minutes is allowed.

Mrs. MURRAY. Mr. President, I could not hear the Senator.

Mr. DEMINT. I have asked for the yeas and nays.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, over the last year this body has taken a strong bipartisan stand to make our ports more secure. After the Department of Homeland Security established regulations to bar felons from the secure areas of our ports, the Senate passed an amendment by 94 votes to codify that regulation into law.

These regulations are very similar to the ones we use at our airports. Unfortunately, our strong stand on the Senate floor was diluted in conference with the House.

My amendment would prohibit the Secretary of the Department of Homeland Security from using any funds appropriated in this bill from being used to delete or modify any of the lists of felonies in the regulation.

I would encourage all of my colleagues to be consistent and vote again yes for this bill.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, we didn't hear what the Senator said. Does the Senator want to say it again?

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Am I correct in that I have another minute to do the same thing again?

The PRESIDING OFFICER. The Senator can summarize.

Mr. DEMINT. I can summarize. Thank you, Mr. President. I thank the Senator for demanding order.

This is a very important amendment. There is no need to spend billions of dollars keeping our ports secure if we are going to allow serious felons to work there. We all know that. We voted already, 94 to 2, for this exact same provision, only in an appropriations bill. In order not to attract rule XVI, this is just to prohibit the use of funds in eliminating or deleting or changing any of the list of felonies for 1 year.

I encourage my colleagues to vote yes.

Mrs. MURRAY. Mr. President, I expect that most of the Members on our side will be voting for this. We had been willing to accept it without a vote. But having said that, I hope once we accept it on this bill, it means that we will not have to have a vote later this evening on a motion to recommit on the 9/11 Commission because once we vote on this and it is part of this package, it will mean, hopefully, we will not have to deal with it on the next bill that we will be considering tonight, the 9/11 Commission. So with that I will be voting aye. I urge adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA), are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted ''yea.''

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 281 Leg.]

YEAS—93

Akaka	Domenici	McCaskill
Alexander	Dorgan	McConnell
Allard	Durbin	Menendez
Barrasso	Ensign	Mikulski
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Graham	Nelson (NE)
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Sanders
Cantwell	Inouye	Schumer
Cardin	Isakson	Sessions
Carper	Kennedy	Shelby
Casey	Kerry	Smith
Chambliss	Klobuchar	Snowe
Clinton	Kohl	Stabenow
Coburn	Kyl	Stevens
Cochran	Landrieu	Sununu
Collins	Lautenberg	Tester
Conrad	Leahy	Thune
Corker	Levin	Vitter
Cornyn	Lieberman	Voinovich
Craig	Lincoln	Warner
Crapo	Lott	Webb
DeMint	Lugar	Whitehouse
Dole	Martinez	Wyden

NAYS—1

Specter

NOT VOTING—6

Brownback	Dodd	McCain
Coleman	Johnson	Obama

The amendment (No. 2498) was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2442

Mrs. MURRAY. Mr. President, I believe we now have agreement on the Coburn amendment No. 2442 that is pending. I believe we have agreed to accept that amendment.

The PRESIDING OFFICER (Mr. WEBB). Without objection, the amendment is now pending.

Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2442) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, for the information of all Senators, as the majority leader said, we are going to go to final passage tonight no matter what it takes. We are working our way through the amendments.

I am going to proceed to two amendments that I believe are agreed upon by Senator SALAZAR and Senator KYL that I believe will be adopted by voice vote.

Ms. LANDRIEU. Reserving the right to object.

Mrs. MURRAY. I have not made a unanimous consent request, I would say.

We are working with the Senator from Louisiana, Ms. LANDRIEU, on an amendment she intends to offer. Meanwhile, we are working to put together a final package of agreed-upon amendments that will take us about 20 minutes to put together. Hopefully, at that time we will have a vote on final passage. So I would like all Senators to know we are going to work our way through several amendments over the next 20 minutes or half hour and, hopefully, be at a point where we can move to final passage on this bill.

Mr. President, with that, we now have an agreement on both the Salazar and Kyl amendments. I send both——

Ms. LANDRIEU. Reserving the right to object.

The PRESIDING OFFICER. Can we have order in the Chamber.

Ms. LANDRIEU. Reserving the right to object.

Mrs. MURRAY. Mr. President, just to notify the Senator, I have not asked for unanimous consent. I say to the Senator, we will get to her amendment.

AMENDMENTS NOS. 2516, AS MODIFIED; AND 2518, AS MODIFIED

Mr. President, we now have an agreement on both the Salazar and Kyl amendments. I send both amendments to the desk, as modified, and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Without objection, amendment No. 2516, is modified.

The amendment, as modified, is as follows:

At the end, add the following

SECTION 1. BORDER SECURITY REQUIREMENTS FOR LAND AND MARITIME BORDERS OF THE UNITED STATES.

(a) OPERATIONAL CONTROL OF THE UNITED STATES BORDERS.—The President shall ensure that operational control of all international land and maritime borders is achieved.

(b) ACHIEVING OPERATIONAL CONTROL.—The Secretary of Homeland Security shall establish and demonstrate operational control of 100 percent of the international land and maritime borders of the United States, including the ability to monitor such borders through available methods and technology.

(1) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol may hire, train, and report for duty additional full-time agents. These additional agents shall be deployed along all international borders.

(2) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol may:

(A) Install along all international borders of the United States vehicle barriers;

(B) Install along all international borders of the United States ground-based radar and cameras;

(C) Deploy for use along all international borders of the United States unmanned aerial vehicles. and the supporting systems for such vehicles;

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit a report to Congress detailing the progress made in funding, meeting or otherwise satisfying each of the requirements described under paragraphs (1) and (2).

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

SEC. 2. APPROPRIATIONS FOR SECURING LAND AND MARITIME BORDERS OF THE UNITED STATES.

Any funds appropriated under this Act shall be used to ensure operational control is achieved for all international land and maritime borders of the United States.

The PRESIDING OFFICER. The clerk will report the Kyl amendment, as modified.

The legislative clerk read as follows:

The Senator from Washington, [Mrs. MURRAY], for Mr. KYL, for himself and Mr. MARTINEZ, proposes an amendment numbered 2518, as modified, to amendment No. 2383.

The PRESIDING OFFICER. Without objection, reading of the amendment is dispensed with.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENTS TO THE EMPLOYMENT ELIGIBILITY VERIFICATION BASIC PILOT PROGRAM.

Of the amounts appropriated for border security and employment verification improvements under section 1003 of Division B, $60,000,000 shall be made available to—

(1) ensure that State and local programs have sufficient access to, and are sufficiently coordinated with, the Federal Government's Employment Eligibility Verification System;

(2) ensure that such system has sufficient capacity to timely and accurately—

(A) register employers in States with employer verification requirements;

(B) respond to inquiries by employers; and

(C) enter into memoranda of understanding with States to ensure responses to subparagraphs (A) and (B); and

(3) develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the basic pilot program, including appropriate privacy and security training for State employees.

(4) ensure that the Office for Civil Rights and Civil Liberties of the Department of Justice has sufficient capacity to conduct audits of the Federal Government's Employment Eligibility Verification System to assess employer compliance with System requirements, including the applicable Memorandum of Understanding.

Mrs. MURRAY. Mr. President, I believe both sides have agreed to this amendment, and we do not have further debate. I believe we are ready to vote.

The PRESIDING OFFICER. Is there further debate on the Kyl amendment?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 2518), as modified, was agreed to.

Mrs. MURRAY. 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.

Mrs. MURRAY. Mr. President, I believe we now move to Senator SALAZAR's amendment.

The PRESIDING OFFICER. The question is on agreeing to the Salazar amendment, as modified.

The amendment (No. 2516), as modified, was agreed to.

Mrs. MURRAY. 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.

Mrs. MURRAY. Mr. President, I ask unanimous consent that amendment No. 2419 be withdrawn.

The PRESIDING OFFICER. The amendment is not pending.

Mrs. MURRAY. Mr. President, for the information of all Senators, we are now working with the Senator from Louisiana who has an amendment that is pending, on how we are going to dispose of that. We will work that out over the next several minutes. We have a number of other amendments we have been working with Senators on that I believe will be agreed upon on all sides. Again, our staffs are working diligently. I expect it will take them the next 15 or 20 minutes. At that time, we hope to have all the amendments before the Senate and move to final passage on this bill.

With that, 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.

Mrs. MURRAY. 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. 2527 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I send an amendment to the desk on behalf of Senator LANDRIEU and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. LANDRIEU, proposes an amendment numbered 2527 to amendment No. 2383.

The amendment is as follows:

(Purpose: To require the Administrator of the Federal Emergency Management Agency to authorize an in-lieu contribution to the Peebles School)

On page 69, after line 24, add the following:

SEC. 536. IN-LIEU CONTRIBUTION.

The Administrator of the Federal Emergency Management Agency shall authorize a large in-lieu contribution under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)) to the Peebles School in Iberia Parish, Louisiana for damages relating to Hurricane Katrina of 2005 or Hurricane Rita of 2005, notwithstanding section 406(c)(1)(C) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)(C)).

Mrs. MURRAY. Mr. President, I believe this amendment has been agreed to on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2527) was agreed to.

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

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, we are going to move to a number of amendments that have been agreed to in a few short minutes. I ask the patience of all the Senators here, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. 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. 2525 WITHDRAWN

Mrs. MURRAY. Mr. President, I ask unanimous consent to withdraw amendment No. 2525.

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

Mrs. MURRAY. 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.

Mrs. MURRAY. 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. 2469 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2469 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. COCHRAN and Mr. LOTT, proposes an amendment numbered 2469 to amendment No. 2383.

The amendment is as follows:

(Purpose: To provide that certain hazard mitigation projects shall not be subject to any precertification requirements)

On page 64, between lines 6 and 7, insert the following:

(d) Notwithstanding section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c), projects relating to Hurricanes Katrina and Rita for which the non-Federal share of assistance under that section is funded by amounts appropriated to the Community Development Fund under chapter 9 of title I of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2779) or chapter 9 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 472) shall not be subject to any precertification requirements.

Mrs. MURRAY. Mr. President, I believe this amendment has been agreed to on both sides.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment was agreed to.

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

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2499, AS MODIFIED, TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2499, send a modification to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 2499, as modified to amendment No. 2383.

The amendment is as follows:

On page 6, line 16, after ''entry:'', insert ''of which $15,000,000 shall be used to procure commercially available technology in order to expand and improve the risk-based approach of the Department of Homeland Security to target and inspect cargo containers under the Secure Freight Initiative and the Global Trade Exchange.

Mrs. MURRAY. Mr. President, I believe this amendment has been agreed to on all sides.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2499), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2475, AS MODIFIED, TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2475, send a modification to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. STEVENS, proposes an amendment No. 2475, as modified, to amendment No. 2383.

The amendment is as follows:

On page 7, line 7, insert after ''operations;'' the following: ''of which $40,000,000 shall be utilized to develop and implement a Model Ports of Entry program and provide resources necessary for 200 additional CBP officers at the 20 United States international airports that have the highest number of foreign visitors arriving annually as determined pursuant to the most recent data collected by the United States Customs and Border Protection available on the date of enactment of this Act, to provide a more efficient and welcoming international arrival process in order to facilitate and promote business and leisure travel to the United States, while also improving security;''

Mrs. MURRAY. I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2475), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2513 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2513 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. LIEBERMAN, proposes an amendment numbered 2513 to amendment No. 2383.

The amendment is as follows:

(Purpose: To require a national strategy and report on closed circuit television systems)

On page 69, after line 24, insert the following:

SEC. 536. NATIONAL STRATEGY ON CLOSED CIRCUIT TELEVISION SYSTEMS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) develop a national strategy for the effective and appropriate use of closed circuit television to prevent and respond to acts of terrorism, which shall include—

(A) an assessment of how closed circuit television and other public surveillance systems can be used most effectively as part of an overall terrorism preparedness, prevention, and response program, and its appropriate role in such a program;

(B) a comprehensive examination of the advantages and limitations of closed circuit television and, as appropriate, other public surveillance technologies;

(C) best practices on camera use and data storage;

(D) plans for coordination between the Federal Government and State and local governments, and the private sector—

(i) in the development and use of closed circuit television systems; and

(ii) for Federal assistance and support for State and local utilization of such systems;

(E) plans for pilot programs or other means of determining the real-world efficacy and limitations of closed circuit televisions systems;

(F) an assessment of privacy and civil liberties concerns raised by use of closed circuit television and other public surveillance systems, and guidelines to address such concerns; and

(G) an assessment of whether and how closed circuit television systems and other public surveillance systems are effectively utilized by other democratic countries in combating terrorism; and

(2) provide to the Committees on Homeland Security and Governmental Affairs, Appropriations, and the Judiciary of the Senate and the Committees on Homeland Security Appropriations, and the Judiciary of the House of Representatives a report that includes—

(A) the strategy required under paragraph (1);

(B) the status and findings of any pilot program involving closed circuit televisions or other public surveillance systems conducted by, in coordination with, or with the assistance of the Department of Homeland Security up to the time of the report; and

(C) the annual amount of funds used by the Department of Homeland Security, either directly by the Department or through grants to State, local, or tribal governments, to support closed circuit television and the public surveillance systems of the Department, since fiscal year 2004.

(b) CONSULTATION.—In preparing the strategy and report required under subsection (a), the Secretary of Homeland Security shall consult with the Attorney General, the Chief Privacy Officer of the Department of Homeland Security, and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security.

Mrs. MURRAY. Mr. President, I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2513) was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2502 TO AMENDMENT NO. 2383

(Purpose: To authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists, and for other purposes)

Mrs. MURRAY. Mr. President, I call up amendment No. 2502 and ask for its immediate consideration

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. PRYOR, proposes an amendment numbered 2502 to amendment No. 2383.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mrs. MURRAY. Mr. President, I believe this amendment has been agreed to on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2502) was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2514 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2514 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. CANTWELL, proposes an amendment numbered 2514 to amendment No. 2383.

The amendment is as follows:

(Purpose: To prevent procurement of any additional major assets until completion of an Alternatives Analysis, and to prevent the use of funds contained in this act for procurement of a third National Security Cutter until completion of an Alternatives Analysis)

On page 22, beginning in line 17, strike ''*Provided,*'' and insert ''*Provided,* That no funds shall be available for procurements related to the acquisition of additional major assets as part of the Integrated Deepwater Systems program not already under contract until an Alternatives Analysis has been completed by an independent qualified third party: *Provided further,* That no funds contained in this Act shall be available for procurement of the third National Security Cutter until an Alternatives Analysis has been completed by an independent qualified third party: *Provided further,*''.

Mrs. MURRAY. I believe this amendment has been agreed to on both sides.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2514) was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2391 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2391 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. CANTWELL, proposes an amendment numbered 2391 to amendment No. 2383.

The amendment is as follows:

(Purpose: To require the Secretary of Homeland Security to develop a strategy and funding plan to implement the recommendations regarding the 2010 Vancouver Olympic and Paralympic Games in the Joint Explanatory Statement of the Committee of Conference on H.R. 5441 (109th Congress), the Department of Homeland Security Appropriations Act, 2007)

On page 69, after line 24, add the following:

SEC. 536. RISK MANAGEMENT AND ANALYSIS SPECIAL EVENT; 2010 VANCOUVER OLYMPIC AND PARALYMPIC GAMES.

As soon as practicable, but not later than 3 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Transportation and Infrastructure of the House of Representatives a report regarding the plans of the Secretary of Homeland Security relating to—

(1) implementing the recommendations regarding the 2010 Vancouver Olympic and Paralympic Games in the Joint Explanatory Statement of the Committee of Conference on H.R. 5441 (109th Congress), the Department of Homeland Security Appropriations Act, 2007, with specific funding strategies for—

(A) the Multiagency Coordination Center; and

(B) communications exercises to validate communications pathways, test equipment, and support the training and familiarization of personnel on the operations of the different technologies used to support the 2010 Vancouver Olympic and Paralympic Games; and

(2) the feasibility of implementing a program to prescreen individuals traveling by rail between Vancouver, Canada and Seattle, Washington during the 2010 Vancouver Olympic and Paralympic Games, while those individuals are located in Vancouver, Canada, similar to the preclearance arrangements in effect in Vancouver, Canada for certain flights between the United States and Canada.

Mrs. MURRAY. I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2391) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2466 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2466 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. HUTCHISON, proposes an amendment numbered 2466 to amendment No. 2383.

The amendment is as follows:

AMENDMENT NO. 2466

(Purpose: To provide local officials and the Secretary of Homeland Security greater involvement in decisions regarding the location of border fencing)

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENT OF BARRIERS AT BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking ''Attorney General, in consultation with the Commissioner of Immigration and Naturalization,'' and inserting ''Secretary of Homeland Security''; and

(2) in subsection (b)—

(A) in the subsection heading, by striking ''IN THE BORDER AREA'' and inserting ''ALONG THE BORDER'';

(B) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(C) in paragraph (2), as redesignated—

(i) in the paragraph heading, by striking ''SECURITY FEATURES'' and inserting ''ADDITIONAL FENCING ALONG SOUTHWEST BORDER''; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

''(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

''(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

''(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

''(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

''(C) CONSULTATION.—

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

''(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

''(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

''(II) affect the eminent domain laws of the United States or of any State.

''(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location.''; and

(D) in paragraph (5), as redesignated, by striking ''to carry out this subsection not to exceed $12,000,000'' and inserting ''such sums as may be necessary to carry out this subsection''.

Mrs. MURRAY. Mr. President, I believe this amendment is also agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2466) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2484 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2484 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. GREGG, proposes an amendment numbered 2484 to amendment No. 2383.

The amendment is as follows:

(Purpose: To provide for greater accountability in grant and contract administration)

On page 69, after line 24, add the following:

SEC. 536. ACCOUNTABILITY IN GRANT AND CONTRACT ADMINISTRATION.

The Department of Homeland Security, through the Federal Emergency Management Agency, shall—

(1) consider implementation, through fair and open competition, of management, tracking and accountability systems to assist in managing grant allocations, distribution, expenditures, and asset tracking; and

(2) consider any efficiencies created through cooperative purchasing agreements.

Mrs. MURRAY. I believe this amendment is also agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing on the amendment.

The amendment (No. 2484) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2486 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2486 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. COLLINS, proposes an amendment numbered 2486 to amendment No. 2383.

The amendment is as follows:

(Purpose: To require an appropriate amount of funding for the Office of Bombing Prevention)

On page 30, line 17, before the period insert the following: ''*Provided*, That $10,043,000 shall be for the Office of Bombing Prevention and not more than $26,100,000 shall be for the Next Generation Network''.

Mrs. MURRAY. I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2486) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2497 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2497 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. BYRD, proposes an amendment numbered 2497 to amendment No. 2383.

The amendment is as follows:

(Purpose: To establish a wild horse and burro adoption program at the Department of Homeland Security)

On page 69, after line 24, insert the following:

SEC. ____. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

Mrs. MURRAY. Mr. President, I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2497) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2404, AS MODIFIED, TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2404, with a modification, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. MARTINEZ, proposes an amendment numbered 2404, as modified, to amendment No. 2383.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. _____. INTERNATIONAL REGISTERED TRAVELER PROGRAM.

Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

''(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports, and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents,

who enter and exit the United States. The program shall be coordinated with the US-VISIT program, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security.

''(B) FEES.—The Secretary may impose a fee for the program established under subparagraph (A) and may modify such fee from time to time. The fee may not exceed the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the program. Amounts so credited shall remain available until expended.

''(C) RULEMAKING.—Within 365 days after the date of enactment of this paragraph, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

''(D) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the US-VISIT entry and exit system, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security at United States airports with the highest volume of international travelers.

''(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

''(i) establishing a reasonable cost of enrollment;

''(ii) making program enrollment convenient and easily accessible; and

''(iii) providing applicants with clear and consistent eligibility guidelines.

Mrs. MURRAY. I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 2404), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2478 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2478 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. AKAKA, proposes an amendment numbered 2478 to amendment No. 2383.

The amendment is as follows:

(Purpose: To provide for a report on the Performance Accountability and Standards System of the Transportation Security Administration)

On page 69, after line 24, add the following:

SEC. 536. REPORT ON THE PERFORMANCE ACCOUNTABILITY AND STANDARDS SYSTEM OF THE TRANSPORTATION SECURITY ADMINISTRATION.

Not later than March 1, 2008, the Transportation Security Administration shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives on the implementation of the Performance Accountability and Standards System, including—

(1) the number of employees who achieved each level of performance;

(2) a comparison between managers and non-managers relating to performance and pay increases;

(3) the type and amount of all pay increases that have taken effect for each level of performance; and

(4) the attrition of employees covered by the Performance Accountability and Standards System.

Mrs. MURRAY. I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2478) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. 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.

UNANIMOUS CONSENT AGREEMENT—H.R. 1

Mr. REID. Mr. President, I ask unanimous consent that following the disposition of H.R. 2638, the Senate turn to the consideration of the conference report on H.R. 1, the 9/11 bill; that there be 90 minutes of debate to be equally divided under the control of the two leaders or their designees, and 30 additional minutes for Senator COBURN; that at the conclusion of the time for debate on the conference report Senator DEMINT be recognized to offer a motion to recommit the conference report to report back with his dock worker provisions; that there be 20 minutes equally divided for debate on his motion; that no other amendments or motions be in order; that at the conclusion or yielding back of time, the Senate vote on his motion to recommit; that if the motion is defeated, the Senate then vote on passage of the conference report, with the proceeding all occurring without intervening action or debate.

Of course, everybody knows this has been cleared with my counterpart, Senator MCCONNELL.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, I stipulate that Senator COLLINS will control up to 30 minutes of our time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that upon passage of H.R. 2638, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees on the part of the Senate and the subcommittee be appointed as conferees, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, we are working our way through things, so we will go into a short quorum call.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. 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. 2516, AS FURTHER MODIFIED

Mrs. MURRAY. Mr. President, I ask unanimous consent that notwithstanding the adoption of amendment No. 2516, the amendment be further modified with the version I now send to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 2516), as further modified, is as follows:

At the end, add the following:

SECTION 1. BORDER SECURITY REQUIREMENTS FOR LAND AND MARITIME BORDERS OF THE UNITED STATES.

(a) OPERATIONAL CONTROL OF THE UNITED STATES BORDERS.—The President shall ensure that operational control of all international land and maritime borders is achieved.

(b) ACHIEVING OPERATIONAL CONTROL.—The Secretary of Homeland Security shall establish and demonstrate operational control of 100 percent of the international land and maritime borders of the United States, including the ability to monitor such borders through available methods and technology.

(1) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol may hire, train, and report for duty additional full-time agents. These additional agents shall be deployed along all international borders.

(2) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol may:

(A) Install along all international borders of the United States vehicle barriers;

(B) Install along all international borders of the United States ground-based radar and cameras; and

(C) Deploy for use along all international borders of the United States unmanned aerial vehicles, and the supporting systems for such vehicles;

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit a report to Congress detailing the progress made in funding, meeting or otherwise satisfying each of the requirements described under paragraphs (1) and (2).

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or

should be undertaken by the Secretary of Homeland Security.

SEC. 2. APPROPRIATIONS FOR SECURING LAND AND MARITIME BORDERS OF THE UNITED STATES.

Any funds appropriated under Division B of this Act shall be used to ensure operational control is achieved for all international land and maritime borders of the United States.

Mrs. MURRAY. 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.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

AMENDMENT NO. 2518, AS FURTHER MODIFIED

Mrs. MURRAY. Madam President, I ask unanimous consent that notwithstanding adoption of Kyl amendment No. 2518, the amendment be further modified with the version I now send to the desk.

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

The amendment (No. 2518), as further modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENTS TO THE EMPLOYMENT ELIGIBILITY VERIFICATION BASIC PILOT PROGRAM.

Of the amounts appropriated for border security and employment verification improvements under section 1003, of Division B, $60,000,000 shall be made available to—

(1) ensure that State and local programs have sufficient access to, and are sufficiently coordinated with, the Federal Government's Employment Eligibility Verification System;

(2) ensure that such system has sufficient capacity to timely and accurately—

(A) register employers in States with employer verification requirements;

(B) respond to inquiries by employers; and

(C) enter into memoranda of understanding with States to ensure responses to subparagraphs (A) and (B); and

(3) develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the basic pilot program, including appropriate privacy and security training for State employees.

(4) ensure that the Office for Civil Rights and Civil Liberties of the Department of Justice has sufficient capacity to conduct audits of the Federal Government's Employment Eligibility Verification System to assess employer compliance with system requirements, including the applicable Memorandum of Understanding.

(5) These amounts are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

Mrs. MURRAY. Madam President, I advise Senators that we have about 10 more minutes. We are working through the final package of agreed-upon amendments which we hope to have to the floor in the next 10 minutes. We will work our way through those amendments and on to final passage.

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.

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

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I have a list, a managers' package that I believe has been agreed to on both sides. I ask unanimous consent that I be allowed to send them to the desk en bloc, with the modifications, and have them agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. I would like to object. There is objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, with the objection heard, we have about 20 amendments. We will work our way through them one at a time.

We are getting a copy of the amendments to the desk. As soon as that is done, we will have to proceed through the amendments one by one until they are agreed to.

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.

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

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

Mrs. MURRAY. Mr. President, I know of no other amendments to come before the Senate on this bill. I move to third reading.

The PRESIDING OFFICER. If there are no further amendments, the question is on the committee substitute.

Mr. DOMENICI. 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.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. MURRAY. I ask unanimous consent that we go back to second reading.

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

AMENDMENTS NOS. 2438, 2432, 2451, 2495, 2500, AS MODIFIED, 2507, 2477, 2519, 2439, 2406, 2417, AS MODIFIED, 2504, 2421, AS MODIFIED, 2422, 2526, 2445, AS MODIFIED, 2465, AS MODIFIED, 2508, 2509, 2463, 2490, 2521, 2467, AS MODIFIED, 2474, AS MODIFIED, 2522, AS MODIFIED, 2524 TO AMENDMENT 2383, EN BLOC

Mrs. MURRAY. I ask unanimous consent that the managers' package, as was presented, be sent to the desk, en bloc, with the modifications as requested and be agreed to.

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

The amendments considered and agreed to are as follows:

AMENDMENT NO. 2438

(Purpose: To require the Comptroller General to conduct a study on shared border management)

At the appropriate place, insert the following:

SEC. ___. SHARED BORDER MANAGEMENT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the Department of Homeland Security's use of shared border management to secure the international borders of the United States.

(b) REPORT.—The Comptroller General shall submit a report to Congress that describes—

(1) any negotiations, plans, or designs conducted by officials of the Department of Homeland Security regarding the practice of shared border management; and

(2) the factors required to be in place for shared border management to be successful.

AMENDMENT NO. 2432

(Purpose: To increase the authorized level for the border relief grant program from $50,000,000 to $100,000,000)

At the end of the amendment, add the following:

SEC. ____. Amounts authorized to be appropriated in the Border Law Enforcement Relief Act of 2007 are increased by $50,000,000 for each of the fiscal years 2008 through 2012.

AMENDMENT NO. 2451

(Purpose: To conduct a study to determine whether fencing on the southern border can be constructed for less than an average of $3,200,000 per mile)

At the appropriate place, insert the following:

SEC. __. GAO STUDY OF COST OF FENCING ON THE SOUTHERN BORDER.

(a) INQUIRY AND REPORT REQUIRED.—The Comptroller of the United States shall conduct a study examining—

(1) the total amount of money that has been expended, as of June 20, 2007, to construct 90 miles of fencing on the southern border of the United States;

(2) the average cost per mile of the 90 miles of fencing on the southern border as of June 20, 2007;

(3) the average cost per mile of the 370 miles of fencing that the Department of Homeland Security is required to have completed on the southern border by December 31, 2008, which shall include $1,187,000,000 appropriated in fiscal year 2007 for ''border security fencing, technology, and infrastructure'' and the $1,000,000,000 appropriated under this Act under the heading ''Border Security Fencing, Infrastructure, and Technology'';

(4) the total cost and average cost per mile to construct the 700 linear miles (854 topographical miles) of fencing on the southern border required to be constructed under section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 3 of the Secure Fence Act of 2006 (Public Law 109–367);

(5) the total cost and average cost per mile to construct the fencing described in paragraph (4) if the double layer fencing requirement were eliminated; and

(6) the number of miles of single layer fencing, if fencing were not accompanied by additional technology and infrastructure such as cameras, sensors, and roads, which could be built with the $1,187,000,000 appropriated in fiscal year 2007 for ''border security fencing, technology, and infrastructure'' and the $1,000,000,000 appropriated under this Act under the heading ''Border Security Fencing, Infrastructure, and Technology''.

(b) SUBMISSION OF REPORT.—Not later than 1 year after the date of the enactment of this

Act, the Comptroller General shall submit a report on the results of the study conducted pursuant to subsection (a) to—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

AMENDMENT NO. 2495

(Purpose: To restore the credibility of the Federal Government by taking action to enforce immigration laws, to request the President to submit a request to Congress for supplemental appropriations on immigration, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE ON IMMIGRATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) On June 28th, 2007, the Senate, by a vote of 46 to 53, rejected a motion to invoke cloture on a bill to provide for comprehensive immigration reform.

(2) Illegal immigration remains the top domestic issue in the United States.

(3) The people of the United States continue to feel the effects of a failed immigration system on a daily basis, and they have not forgotten that Congress and the President have a duty to address the issue of illegal immigration and the security of the international borders of the United States.

(4) People from across the United States have shared with members of the Senate their wide ranging and passionate opinions on how best to reform the immigration system.

(5) There is no consensus on an approach to comprehensive immigration reform that does not first secure the international borders of the United States.

(6) There is unanimity that the Federal Government has a responsibility to, and immediately should, secure the international borders of the United States.

(7) Border security is an integral part of national security.

(8) The greatest obstacle the Federal Government faces with respect to the people of the United States is a lack of trust that the Federal Government will secure the international borders of the United States.

(9) This lack of trust is rooted in the past failures of the Federal Government to uphold and enforce immigration laws and the failure of the Federal Government to secure the international borders of the United States.

(10) Failure to uphold and enforce immigration laws has eroded respect for those laws and eliminated the faith of the people of the United States in the ability of their elected officials to responsibly administer immigration programs.

(11) It is necessary to regain the trust of the people of the United States in the competency of the Federal Government to enforce immigration laws and manage the immigration system.

(12) Securing the borders of the United States would serve as a starting point to begin to address other issues surrounding immigration reform on which there is not consensus.

(13) Congress has not fully funded some interior and border security activities that it has authorized.

(14) The President of the United States can initiate emergency spending by designating certain spending as ''emergency spending'' in a request to the Congress.

(15) The lack of security on the international borders of the United States rises to the level of an emergency.

(16) The Border Patrol are apprehending some, but not all, individuals from countries that the Secretary of State has determined have repeatedly provided support for acts of international terrorism who cross or attempt to cross illegally into the United States.

(17) The Federal Bureau of Investigation is investigating a human smuggling ring that has been bringing Iraqis and other Middle Eastern individuals across the international borders of the United States.

(b) SENSE OF SENATE.—It is the sense of Senate that—

(1) the Federal Government should work to regain the trust of the people of the United States in its ability of the Federal Government to secure the international borders of the United States;

(2) in order to restore the credibility of the Federal Government on this critical issue, the Federal Government should prove its ability to enforce immigration laws by taking actions such as securing the border, stopping the flow of illegal immigrants and drugs into the United States, and creating a tamper-proof biometric identification card for foreign workers; and

(3) the President should request emergency spending that fully funds—

(A) existing interior and border security authorizations that have not been funded by Congress; and

(B) the border and interior security initiatives contained in the bill to provide for comprehensive immigration reform and for other purposes (S. 1639) introduced in the Senate on June 18, 2007.

AMENDMENT NO. 2500, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. ENSURING THE SAFETY OF AGRICULTURAL IMPORTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Food and Drug Administration, as part of its responsibility to ensure the safety of food and other imports, maintains a presence at 91 of the 320 points of entry into the United States.

(2) United States Customs and Border Protection personnel are responsible for monitoring imports and alerting the Food and Drug Administration to suspicious material entering the United States at the remaining 229 points of entry.

(b) REPORT.—The Commissioner of United States Customs and Border Protection shall submit a report to Congress that describes the training of United States Customs and Border Protection personnel to effectively assist the Food and Drug Administration in monitoring our Nation's food supply.

AMENDMENT NO. 2507

(Purpose: To require a study on the implementation of the voluntary provision of emergency services program)

On page 69, between after line 24, add the following:

SEC. 536. (a) STUDY ON IMPLEMENTATION OF VOLUNTARY PROVISION OF EMERGENCY SERVICES PROGRAM.—(1) Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall conduct a study on the implementation of the voluntary provision of emergency services program established pursuant to section 44944(a) of title 49, United States Code (referred to in this section as the ''program'').

(2) As part of the study required by paragraph (1), the Administrator shall assess the following:

(A) Whether training protocols established by air carriers and foreign air carriers include training pertinent to the program and whether such training is effective for purposes of the program.

(B) Whether employees of air carriers and foreign air carriers responsible for implementing the program are familiar with the provisions of the program.

(C) The degree to which the program has been implemented in airports.

(D) Whether a helpline or other similar mechanism of assistance provided by an air carrier, foreign air carrier, or the Transportation Security Administration should be established to provide assistance to employees of air carriers and foreign air carriers who are uncertain of the procedures of the program.

(3) In making the assessment required by paragraph (2)(C), the Administrator may make use of unannounced interviews or other reasonable and effective methods to test employees of air carriers and foreign air carriers responsible for registering law enforcement officers, firefighters, and emergency medical technicians as part of the program.

(4)(A) Not later than 60 days after the completion of the study required by paragraph (1), the Administrator shall submit to Congress a report on the findings of such study.

(B) The Administrator shall make such report available to the public by Internet web site or other appropriate method.

(b) PUBLICATION OF REPORT PREVIOUSLY SUBMITTED.—The Administrator shall make available to the public on the Internet web site of the Transportation Security Administration or the Department of Homeland Security the report required by section 554(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

(c) MECHANISM FOR REPORTING PROBLEMS.—The Administrator shall develop a mechanism on the Internet web site of the Transportation Security Administration or the Department of Homeland Security by which first responders may report problems with or barriers to volunteering in the program. Such mechanism shall also provide information on how to submit comments related to volunteering in the program.

(d) AIR CARRIER AND FOREIGN AIR CARRIER DEFINED.—In this section, the terms ''air carrier'' and ''foreign air carrier'' have the meaning given such terms in section 40102 of title 49, United States Code.

AMENDMENT NO. 2477

(Purpose: To require the Government Accountability Office to report on the Department's risk-based grant programs)

On page 40, line 15, after ''Security'' insert ''and an analysis of the Department's policy of ranking States, cities, and other grantees by tiered groups,''.

AMENDMENT NO. 2519

(Purpose: To provide that none of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5 million or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee owes no past due Federal tax liability)

On page 69, after line 24, insert the following:

SEC. 536. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5 million or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no unpaid Federal tax assessments, that the contractor or grantee has entered into an installment agreement or offer in compromise

that has been accepted by the IRS to resolve any unpaid Federal tax assessments, that the contractor or grantee has entered into an installment agreement or offer in compromise that has been accepted by the IRS to resolve any unpaid Federal tax assessments, or, in the case of unpaid Federal tax assessments other than for income, estate, and gift taxes, that the liability for the unpaid assessments is the subject of a non-frivolous administrative or judicial appeal. For purposes of the preceding sentence, the certification requirement of part 52.209-5 of the Federal Acquisition Regulation shall also include a requirement for a certification by a prospective contractor of whether, within the three-year period preceding the offer for the contract, the prospective contractor—

(1) has or has not been convicted of or had a civil judgment or other judicial determination rendered against the contractor for violating any tax law or failing to pay any tax;

(2) has or has not been notified of any delinquent taxes for which the liability remains unsatisfied; or

(3) has or has not received a notice of a tax lien filed against the contractor for which the liability remains unsatisfied or for which the lien has not been released.

AMENDMENT NO. 2439

(Purpose: To resolve the differences between the Transportation Worker Identification Credential program administered by the Transportation Security Administration and existing State transportation facility access control programs)

At the appropriate place, insert the following:

SEC. ___. TRANSPORTATION FACILITY ACCESS CONTROL PROGRAMS.

The Secretary of Homeland Security shall work with appropriate officials of Florida and of other States to resolve the differences between the Transportation Worker Identification Credential program administered by the Transportation Security Administration and existing State transportation facility access control programs.

AMENDMENT NO. 2406

(Purpose: To prohibit the use of funds for planning, testing, piloting, or developing a national identification card)

On page 69, after line 24, add the following:

SEC. 536. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

AMENDMENT NO. 2417, AS MODIFIED

On page 69, after line 24, add the following:

SEC. 536. ADDITIONAL ASSISTANCE FOR PREPARATION OF PLANS.

Subparagraph (L) of section 33(b)(3) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(3)) is amended to read as follows:

''(L) To fund fire prevention programs, including planning and preparation for wildland fires.

AMENDMENT NO. 2504

(Purpose: To express the sense of Congress regarding to need to appropriate sufficient funds to increase the number of border patrol officers and agents protecting the northern border pursuant to prior authorizations)

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS.

It is the sense of Congress that sufficient funds should be appropriated to allow the Secretary to increase the number of personnel of United States Customs and Border Protection protecting the northern border by 1,517 officers and 788 agents, as authorized by—

(1) section 402 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107–56);

(2) section 331 of the Trade Act of 2002 (Public Law 107–210); and

(3) section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

AMENDMENT NO. 2421, AS MODIFIED

On page 69, after line 24, add the following:

TITLE ___—BORDER INFRASTRUCTURE AND TECHNOLOGY MODERNIZATION

SEC. 601. SHORT TITLE.

This title may be cited as the ''Border Infrastructure and Technology Modernization Act of 2007''.

SEC. 602. DEFINITIONS.

In this title:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of United States Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term ''maquiladora'' means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term ''northern border'' means the international border between the United States and Canada.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(5) SOUTHERN BORDER.—The term ''southern border'' means the international border between the United States and Mexico.

SEC. 603. HIRING AND TRAINING OF BORDER AND TRANSPORTATION SECURITY PERSONNEL.

(a) OFFICERS AND AGENTS.—

(1) INCREASE IN OFFICERS AND AGENTS.—Subject to the availability of appropriations, during each of fiscal years 2009 through 2013, the Secretary shall—

(A) increase the number of full-time agents and associated support staff in United States Immigration and Customs Enforcement of the Department of Homeland Security by the equivalent of at least 100 more than the number of such employees as of the end of the preceding fiscal year; and

(B) increase the number of full-time officers, agricultural specialists, and associated support staff in United States Customs and Border Protection by the equivalent of at least 200 more than the number of such employees as of the end of the preceding fiscal year.

(2) WAIVER OF FTE LIMITATION.—The Secretary is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security to fulfill the requirements of paragraph (1).

(b) TRAINING.—As necessary, the Secretary, acting through the Assistant Secretary for United States Immigration and Customs Enforcement and the Commissioner, shall provide appropriate training for agents, officers, agricultural specialists, and associated support staff of the Department of Homeland Security to utilize new technologies and to ensure that the proficiency levels of such personnel are acceptable to protect the borders of the United States.

SEC. 604. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of every other year, the Commissioner, in consultation with the Administrator of General Services shall—

(1) review—

(A) the Port of Entry Infrastructure Assessment Study prepared by the United States Customs Service, the Immigration and Naturalization Service, and the General Services Administration in accordance with the matter relating to the ports of entry infrastructure assessment set forth in the joint explanatory statement on page 67 of conference report 106–319, accompanying Public Law 106–58; and

(B) the nationwide strategy to prioritize and address the infrastructure needs at the land ports of entry prepared by the Department of Homeland Security and the General Services Administration in accordance with the committee recommendations on page 22 of Senate report 108–86, accompanying Public Law 108–90;

(2) update the assessment of the infrastructure needs of all United States land ports of entry; and

(3) submit an updated assessment of land port of entry infrastructure needs to Congress.

(b) CONSULTATION.—In preparing the updated studies required under subsection (a), the Commissioner and the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and affected State and local agencies on the northern and southern borders of the United States.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 605; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project—

(A) to enhance the ability of United States Customs and Border Protection to achieve its mission and to support operations;

(B) to fulfill security requirements; and

(C) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner, as appropriate, shall—

(1) implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3); or

(2) forward the prioritized list of infrastructure and technology improvement projects to the Administrator of General Services for implementation in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, including immediate security needs, changes in infrastructure in Mexico or Canada, or similar concerns, compellingly alter the need for a project in the United States.

SEC. 605. NATIONAL LAND BORDER SECURITY PLAN.

(a) REQUIREMENT FOR PLAN.—Not later than January 31 of every other year, the Secretary, acting through the Commissioner, shall prepare a National Land Border Security Plan and submit such plan to Congress.

(b) CONSULTATION.—In preparing the plan required under subsection (a), the Commissioner shall consult with other appropriate Federal agencies, State and local law enforcement agencies, and private entities that are involved in international trade across the northern or southern border.

(c) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required under subsection (a) shall include a vulnerability, risk, and threat assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary, acting through the Commissioner, may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required under subsection (a).

(d) COORDINATION WITH THE SECURE BORDER INITIATIVE.—The plan required under subsection (a) shall include a description of activities undertaken during the previous year as part of the Secure Border Initiative and actions planned for the coming year as part of the Secure Border Initiative.

SEC. 606. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) COMMERCE SECURITY PROGRAMS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commissioner, in consultation with the Secretary, shall develop a plan to expand the size and scope, including personnel needs, of the Customs-Trade Partnership Against Terrorism program or other voluntary programs involving government entities and the private sector to strengthen and improve the overall security of the international supply chain and security along the northern and southern border of the United States.

(2) SOUTHERN BORDER SUPPLY CHAIN SECURITY.—Not later than 1 year after the date of enactment of this Act, the Commissioner shall provide Congress with a plan to improve supply chain security along the southern border, including where appropriate, plans to implement voluntary programs involving government entities and the private sector to strengthen and improve the overall security of the international supply chain that have been successfully implemented on the northern border.

SEC. 607. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner, shall carry out a technology demonstration program to test and evaluate new port of entry technologies, refine port of entry technologies and operational concepts, and train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTED.—Under the demonstration program, the Commissioner shall test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(2) FACILITIES DEVELOPED.—At a demonstration site selected pursuant to subsection (c)(3), the Commissioner shall develop any facilities needed to provide appropriate training to Federal law enforcement personnel who have responsibility for border security, including cross-training among agencies, advanced law enforcement training, and equipment orientation to the extent that such training is not being conducted at existing Federal facilities.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Commissioner shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) LOCATION.—Of the sites selected under subsection (c)—

(A) at least 1 shall be located on the northern border of the United States; and

(B) at least 1 shall be located on the southern border of the United States.

(3) SELECTION CRITERIA.—To ensure that 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, 1 port of entry selected as a demonstration site may—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion onto not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 12 months preceding the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary, acting through the Commissioner, shall permit personnel from appropriate Federal agencies to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report shall include an assessment by the Commissioner of the feasibility of incorporating any demonstrated technology for use throughout United States Customs and Border Protection.

SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any funds otherwise available, there are authorized to be appropriated such sums as may be necessary to carry out sections 603, 604, 605, 606, and 607 for FY2009–FY2013.

(b) INTERNATIONAL AGREEMENTS.—Funds authorized to be appropriated under this title may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this title.

AMENDMENT NO. 2422

(Purpose: To conduct a study to improve radio communications for law enforcement officers operating along the international borders of the United States)

At the appropriate place, insert the following:

SEC. ___. STUDY OF RADIO COMMUNICATIONS ALONG THE INTERNATIONAL BORDERS OF THE UNITED STATES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a study to determine the areas along the international borders of the United States where Federal and State law enforcement officers are unable to achieve radio communication or where radio communication is inadequate.

(b) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Upon the conclusion of the study described in subsection (a), the Secretary shall develop a plan for enhancing radio communication capability along the international borders of the United States.

(2) CONTENTS.—The plan developed under paragraph (1) shall include—

(A) an estimate of the costs required to implement the plan; and

(B) a description of the ways in which Federal, State, and local law enforcement officers could benefit from the implementation of the plan.

AMENDMENT NO. 2526

(Purpose: To provide that certain funds shall be made available to the United States Citizenship and Immigration Services for the fraud risk assessment relating to the H–1B program is submitted to Congress)

At the appropriate place, insert:

Of the funds provided under this Act or any other Act to United States Citizenship and Immigration Services, not less than $1,000,000 shall be provided for a benefits fraud assessment of the H–1B Visa Program.

AMENDMENT NO. 2445 AS MODIFIED

At the end, add the following:

SEC. 536. (a) REPORT ON INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to Congress a report and make the report available on its website on the implementation and use of interagency operational centers for port security under section 70107A of title 46, United States Code.

(b) ELEMENTS.—The report required by subsection shall include the following:

(1) A detailed description of the progress made in transitioning Project Seahawk in Charleston, South Carolina, from the Department of Justice to the Coast Guard, including all projects and equipment associated with that project.

(2) A detailed description of that actions being taken to assure the integrity of Project Seahawk and ensure there is no loss in cooperation between the agencies specified in section 70107A(b)(3) of title 46, United State Code.

(3) A detailed description and explanation of any changes in Project Seahawk as of the date of the report, including any changes in Federal, State, or local staffing of that project.

AMENDMENT NO. 2465, AS MODIFIED

On page 69, after line 24, insert the following:

SEC. 536. (a) The amount appropriated by title III for necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 under the heading ''FIREFIGHTER ASSISTANCE GRANTS'' is hereby increased by $5,000,000 for necessary expenses to carry out the programs authorized under section 34 of that Act (15 U.S.C. 2229a).

(b) The amount appropriated by title III under the heading ''INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY'' is hereby reduced by $5,000,000.

AMENDMENT NO. 2508

(Purpose: To provide funds to modernize the National Fire Incident Reporting System and to encourage the presence of State and local fire department representatives at the National Operations Center)

On page 35, line 15, strike ''costs.'' and insert the following: ''costs: *Provided further*, That of the total amount made available under this heading, $1,000,000 shall be to develop a web-based version of the National Fire Incident Reporting System that will ensure that fire-related data can be submitted and accessed by fire departments in real time.''.

On page 5, line 3, strike ''expenses.'' and insert the following: ''expenses: *Provided*, That

the Director of Operations Coordination shall encourage rotating State and local fire service representation at the National Operations Center.''.

AMENDMENT NO. 2509

(Purpose: To mitigate the health risks posed by hazardous chemicals in trailers provided by Federal Emergency Management Agency, and for other purposes)

On page 5, line 20, before the period, insert the following: '': *Provided*, That the Inspector General shall investigate decisions made regarding, and the policy of the Federal Emergency Management Agency relating to, formaldehyde in trailers in the Gulf Coast region, the process used by the Federal Emergency Management Agency for collecting, reporting, and responding to health and safety concerns of occupants of housing supplied by the Federal Emergency Management Agency (including such housing supplied through a third party), and whether the Federal Emergency Management Agency adequately addressed public health and safety issues of households to which the Federal Emergency Management Agency provides disaster housing (including whether the Federal Emergency Management Agency adequately notified recipients of such housing, as appropriate, of potential health and safety concerns and whether the institutional culture of the Federal Emergency Management Agency properly prioritizes health and safety concerns of recipients of assistance from the Federal Emergency Management Agency), and submit a report to Congress relating to that investigation, including any recommendations''.

On page 35, line 15, before the period, insert the following: '': *Provided further*, That not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall, as appropriate, update training practices for all customer service employees, employees in the Office of General Counsel, and other appropriate employees of the Federal Emergency Management Agency relating to addressing health concerns of recipients of assistance from the Federal Emergency Management Agency''.

On page 40, line 24, before the period, insert the following: '': *Provided further*, That not later than 15 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report detailing the actions taken as of that date, and any actions the Administrator will take, regarding the response of the Federal Emergency Management Agency to concerns over formaldehyde exposure, which shall include a description of any disciplinary or other personnel actions taken, a detailed policy for responding to any reports of potential health hazards posed by any materials provided by the Federal Emergency Management Agency (including housing, food, water, or other materials), and a description of any additional resources needed to implement such policy: *Provided further*, That the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall design a program to scientifically test a representative sample of travel trailers and mobile homes provided by the Federal Emergency Management Agency, and surplus travel trailers and mobile homes to be sold or transferred by the Federal government on or after the date of enactment of this Act, for formaldehyde and, not later than 15 days after the date of enactment of this Act, submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the program designed, including a description of the design of the testing program and the quantity of and conditions under which trailers and mobile homes shall be tested and the justification for such design of the testing: *Provided further*, That in order to protect the health and safety of disaster victims, the testing program designed under the previous proviso shall provide for initial short-term testing, and longer-term testing, as required: *Provided further*, That not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall, at a minimum, complete the initial short-term testing described in the previous proviso: *Provided further*, That, to the extent feasible, the Administrator of the Federal Emergency Management Agency shall use a qualified contractor residing or doing business primarily in the Gulf Coast Area to carry out the testing program designed under this heading: *Provided further*, That, not later than 30 days after the date that the Administrator of the Federal Emergency Management Agency completes the short-term testing under this heading, the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report describing the results of the testing, analyzing such results, providing an assessment of whether there are any health risks associated with the results and the nature of any such health risks, and detailing the plans of the Administrator of the Federal Emergency Management Agency to act on the results of the testing, including any need to relocate individuals living in the trailers or mobile homes provided by the Federal Emergency Management Agency or otherwise assist individuals affected by the results, plans for the sale or transfer of any trailers or mobile homes (which shall be made in coordination with the Administrator of General Services), and plans to conduct further testing: *Provided further*, That after completing longer-term testing under this heading, the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report describing the results of the testing, analyzing such results, providing an assessment of whether any health risks are associated with the results and the nature of any such health risks, incorporating any additional relevant information from the shorter-term testing completed under this heading, and detailing the plans and recommendations of the Administrator of the Federal Emergency Management Agency to act on the results of the testing.

AMENDMENT NO. 2463

(Purpose: To apply basic contracting laws to the Transportation Security Administration)

At the appropriate place, insert the following:

SEC. ___. TSA ACQUISITION MANAGEMENT POLICY.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by striking subsection (o) and redesignating subsections (p) through (t) as subsections (o) through (s), respectively.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

AMENDMENT NO. 2490

(Purpose: To provide for a report on regional boundaries for Urban Area Security Initiative regions)

On page 69, after line 24, add the following:

SEC. 536. REPORT ON URBAN AREA SECURITY INITIATIVE.

Not later than 180 days after the date of enactment of this Act, the Government Accountability Office shall submit a report to the appropriate congressional committees which describes the criteria and factors the Department of Homeland Security uses to determine the regional boundaries for Urban Area Security Initiative regions, including a determination if the Department is meeting its goal to implement a regional approach with respect to Urban Area Security Initiative regions, and provides recommendations for how the Department can better facilitate a regional approach for Urban Area Security Initiative regions.

AMENDMENT NO. 2521

(Purpose: To provide for special rules relating to assistance concerning the Greensburg, Kansas tornado)

At the appropriate place, insert the following:

SEC. ____. (a) In this section:

(1) The term ''covered funds'' means funds provided under section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) to a State that submits an application under that section not earlier than May 4, 2007, for a national emergency grant to address the effects of the May 4, 2007, Greensburg, Kansas tornado.

(2) The term ''professional municipal services'' means services that are necessary to facilitate the recovery of Greensburg, Kansas from that tornado, and necessary to plan for or provide basic management and administrative services, which may include—

(A) the overall coordination of disaster recovery and humanitarian efforts, oversight, and enforcement of building code compliance, and coordination of health and safety response units; or

(B) the delivery of humanitarian assistance to individuals affected by that tornado.

(b) Covered funds may be used to provide temporary public sector employment and services authorized under section 173 of such Act to individuals affected by such tornado, including individuals who were unemployed on the date of the tornado, or who are without employment history, in addition to individuals who are eligible for disaster relief employment under section 173(d)(2) of such Act.

(c) Covered funds may be used to provide professional municipal services for a period of not more than 24 months, by hiring or contracting with individuals or organizations (including individuals employed by contractors) that the State involved determines are necessary to provide professional municipal services.

(d) Covered funds expended under this section may be spent on costs incurred not earlier than May 4, 2007.

AMENDMENT NO. 2467, AS MODIFIED

On page 69, after line 24, add the following:

SEC. 536. DATA RELATING TO DECLARATIONS OF A MAJOR DISASTER.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date that the President determines whether to declare a major disaster because of an event, and any appeal is completed; the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, and the Senate Committee on Appropriations and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster;

(b) EXCEPTION.—The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

AMENDMENT NO. 2474

On page 17, line 6, before the period, insert the following: '': *Provided further*, the Secretary of Homeland Security shall ensure that the workforce of the Federal Protective Service includes not fewer than 1,200 Commanders, Police Officers, Inspectors, and Special Agents engaged on a daily basis in protecting Federal buildings (under this heading referred to as 'in-service'): Contingent on the availability of sufficient revenue in collections of security fees in this account for this purpose. *Provided further*, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall adjust fees as necessary to ensure full funding of not fewer than 1,200 in-service Commanders, Police Officers, Inspectors, and Special Agents at the Federal Protective Service''.

AMENDMENT NO. 2522, AS MODIFIED

At the appropriate place, insert the following:

SEC. 536. NATIONAL TRANSPORTATION SECURITY CENTER OF EXCELLENCE.

If the Secretary of Homeland Security establishes a National Transportation Security Center of Excellence to conduct research and education activities, and to develop or provide professional security training, including the training of transportation employees and transportation professionals, the Mineta Transportation Institute at San Jose State University may be included as a member institution of such Center.

AMENDMENT NO. 2524

(Purpose: To provide funding for security associated with the national party conventions)

At the end of the bill, insert the following:

SEC. ____. Of amounts appropriated under section 1003, $100,000,000, with $50,000,000 each to the Cities of Denver, Colorado, and St. Paul, Minnesota, shall be available for State and local law enforcement entities for security and related costs, including overtime, associated with the Democratic National Conventional and Republican National Convention in 2008. Amounts provided by this section are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

Mrs. MURRAY. I believe those are all the amendments to come before the Senate.

AMENDMENT NO. 2521

Mr. KENNEDY. Mr. President, on May 4, Greensburg, KS, was devastated by a tornado. Our thoughts and prayers are very much with the many families affected by this disaster, and we fully support their rebuilding efforts.

I strongly support the amendment offered by Senator ROBERTS and Senator BROWNBACK to the Homeland Security appropriations bill that would allow Greensburg to hire the essential workers it needs to help rebuild the town.

The protections in current law governing national emergency grants under the Workforce Investment Act serve an important purpose. They ensure that the program is targeted to help workers who need it most, and is not used to displace public sector workers with workers that do not receive the same wage and merit system protections.

Greensburg, however, faces unique circumstances. In the wake of the disaster, this small city has an obvious need for professionals—such as zoning experts, planning professionals, and building inspectors—with expertise that is not readily available in the area. In these unique circumstances, the waivers provided for in this bill are a reasonable response. It is obviously not, however, a precedent for future recipients of these emergency grants.

I hope very much that these waivers will do as much as possible to help the people of Greensburg restore their city and rebuild their lives, and I wish them well in the years ahead.

AMENDMENT NO. 2474

Mrs. CLINTON. Mr. President, my amendment is an amendment I wish I did not have to offer. It is necessary, unfortunately, because of the administration's continued plan to outsource or privatize critical components of our homeland security.

I am proud to have Senators KENNEDY, SCHUMER, LAUTENBERG, AKAKA, MENENDEZ, KERRY, MIKULSKI, CARDIN and the chairman and ranking member of the Senate Homeland Security and Government Affairs Committee respectively, Senator LIEBERMAN and Senator COLLINS, as cosponsors of this amendment.

This amendment also has the endorsement of the American Federation of Government Employees. I will ask to have printed in the RECORD their letter of support.

Mr. President, the most recent key judgments of the National Intelligence Estimate were crystal clear: our homeland is under a ''heightened threat environment'' and that al-Qaida is undiminished in its goal in attacking us here at home.

At the very same time, despite a lot of tough rhetoric, the Bush administration wants to cut the only Federal agency responsible for protecting nearly 9,000 nonmilitary Federal buildings nationwide.

The Federal Protective Service, or FPS, protects more than 1.1 million Federal employees located in more than 2,100 communities across our country.

While protecting Federal buildings, the FPS also monitors the qualifications and performance of 15,000 privately contracted security guards.

In 1995, after the Oklahoma City bombing, the General Services Administration and Congress concluded that FPS required 1,480 field personnel to do its duty.

After 9/11, as we face even greater threat, as we have rightfully heightened our security and vigilance here at home, the Bush administration has slashed FPS personnel to fewer than 1,200. If it has its way, the administration will cut that number to 950 in 2008.

Just today, we learned that the FPS has recently issued an internal document, entitled ''Increased Risk of Terrorist Attack This Summer'' detailing high-risk threats to Federal buildings and employees.

The inspector general of the Department of Homeland Security, Richard L. Skinner, investigated the FPS. Among the disturbing findings: Only a dozen FPS employees are tasked with checking the credentials and performances of the 5,700 guards in the DC area—''an inadequate number'' according to the audit; 30 percent of contract security guards in the sample had at least one expired certification, security contractors failing to perform security services according to terms and conditions of their contracts.

The report concluded that many of the deficiencies cited occurred because FPS personnel were not effectively monitoring the contract guard program.

On May 1, 2007, Jim Taylor, the deputy inspector general for the Department of Homeland Security testified before the House Committee on Homeland Security and stated that further reductions in the FPS ''could lead to uneven effects across the nation, perhaps place some facilities at risk.''

Last month, contract security guards did not show up for work at the Department of Education and two Food and Drug Administration offices. The contract guards' employer had not paid 400 employees in a month, citing financial difficulties. But FPS did pay the company for its services. It turns out that the company's president served 5 years in jail for bank fraud and money laundering. According to company's general manager, the president of the company used company money to pay for luxury condos here in the District of Columbia and in Myrtle Beach, SC.

This latest episode only underscores the importance of not cutting the Federal Protective Services staff, but increasing it. It not only saves us from wasting Federal resources—it could save lives.

My amendment would stop the Department of Homeland Security from continuing to downsize the Federal

Protective Service. The amendment would require the Secretary of Homeland Security to assure that the workforce of the Federal Protective Service includes no fewer than 1,200 commanders, police officers, and special agents engaged on a daily basis in protecting Federal buildings.

This amendment does not require an offset or any additional spending. FPS operations are solely funded through security fees and reimbursements paid for by Federal agencies. The amendment would require the Office of Management and Budget and the Department of Homeland Security to adjust Federal building security fees as necessary to ensure full funding of not fewer than 1,200 in-service commanders, police officers, inspectors, and special agents at the Federal Protective Service.

Mr. President, security on the cheap is no security at all. Our Nation faces serious threats—this Congress should demand a response by the Bush administration commensurate with the danger—and the President's own rhetoric. I ask my colleagues to join me to ensure that the Federal Protective Services has the personnel needed to do its job and that we do not send the message that our Federal buildings are exposed.

Mr. President, last week's key judgments of the National Intelligence Estimate made clear that al-Qaida has ''protected or regenerated key elements of its Homeland attack capability'' and is now as strong as it was in 2001.

I commend the work of Senator BYRD and the members of the Appropriations Committee for putting together a Homeland Security appropriations bill that supports tough and smart measures to make our country more secure. This is a must-pass piece of legislation that we cannot afford to delay and I urge my colleagues on the other side of the aisle not to obstruct this critical legislation so we can implement these measures to make our country more secure.

I ask unanimous consent to have printed in the RECORD the letter to which I referred.

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

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO,
Washington, DC, July 24, 2007.

DEAR SENATOR: On behalf of the American Federation of Government Employees, AFL-CIO, I urge you to support Senator Clinton's amendment to the FY '08 Homeland Security Appropriations bill to insure that our nation's federal buildings are adequately protected. For the past several months the Department of Homeland Security's U.S. Immigration and Customs Enforcement has been implementing a proposal to eliminate over 350 commanders, police officers, and special agents from the Federal Protective Service (FPS). Experienced law enforcement officers have been actively encouraged to leave the agency. leaving vulnerable countless federal buildings that once receive around-the-clock FPS protection.

The Bush Administration is attempting to unilaterally alter the mission of this critical homeland security agency despite the demonstrated need for high security at federal buiidings and complexes. It would be hard to forget that day in April 1995, when domestic terrorists Timothy McVeigh and Terry Nichols drove up to the Alfred P. Murrah building in Oklahoma City and unleashed the first major terrorist attack in the U.S. In the post–9/11 world in which we live, to eliminate the law enforcement and antiterrorism activities of the Federal Protective Service is unthinkable.

The Senate Appropriations Committee included strong language opposing the FPS plan and the House calls it an unfunded mandate and requires the agency to negotiate security agreements with every impacted state and local law enforcement agency, yet the Department continues to press forward with its misguided, dangerous initiative.

For this reason it has become necessary to require the Department to maintain a specified level of manpower in order to insure our continuing safety. In order to assure that the FPS is restored to its full complement of personnel, Senator CLINTON will offer an amendment to the Homeland Security Appropriations bill that requires the Department to maintain a minimum of 1200 total in-service personnel (Commanders, Inspectors, Police Officers and Special Agents). This is based on a field staffing level for FPS of 1480 which was GSA's target until 2003.

The Federal Protective Service is an often overlooked, yet critical component of our overall homeland security safety net. The GAO has been asked by the Chairman and Ranking Member of the Senate Homeland Security and Governmental Affairs Committee to conduct a review of FPS funding and other issues. We strongly believe that in view of that pending study, fundamental reform of the FPS mission, such as the Administration is proposing, is inappropriate and should be stopped.

Sincerely,

BETH MOTEN,
Legislative and Political Director.

AMENDMENT NO. 2487

Mr. President, I would have called up amendment No. 2487.

This amendment is also cosponsored by Senator DORGAN.

Mr. President, in a little over a week, the Transportation Security Administration plans to lift its ban on disposable butane lighters, a decision that is both ill-advised and ill-considered. Lifting the ban on these lighters defies common sense and ignores the TSA's own recommendations.

In March 2005, a TSA spokesman said, ''The threat posed by lighters on board is valid.'' TSA has warned that al-Qaida and those seeking to do us harm intend to use everyday household items to conceal explosives and detonate them on board airliners.

In fact, the TSA actually wanted to go further than banning lighters alone. The TSA wanted to ban matches, too. But the Bush administration demanded that the TSA conduct cost-benefit analysis before banning matches, another decision that calls into question the commitment within the administration to matching security rhetoric with smart security policies. Even the CEO of the Zippo Company, a company that manufactures disposable butane lighters, expressed support for the lighter ban stating, ''We're never going to get lighters back into the cabin in carry-on baggage. We never really argued with the TSA on that because we don't want to compromise safety in any way.''

And we all remember, in December 2001, when Richard Reid, the so-called ''Shoe Bomber,'' attempted to murder 197 people onboard an American Airlines flight when he attempted to set off explosives hidden in his shoe using a box of matches. According to the FBI, Reid likely would have been successful if he had used a butane lighter.

The TSA claims that lifting the ban will free up time for security officers to focus on finding more high threat items. However, the TSA is not lifting the ban on all lighters. Passengers will still not be allowed to carry torch lighters or cigar lighters onboard an aircraft.

The result? Instead of banning all lighters, security officers will now have to differentiate between disposable butane lighters and other lighters in every single piece of luggage that they have to inspect. Even on the TSA's own website the difference between what is acceptable and what is not is hard to discern.

And this justification has been tested before, when the TSA lifted the ban on small scissors and knives. In April, the Government Accountability Office released a report on that decision. The GAO found that it is unclear whether lifting that ban ''had any impact on Transportation Security Officers' ability to detect explosives—a key goal for the change.''

The decision to lift the ban on disposable butane lighters makes inspecting luggage more difficult, makes the rules more complicated, and makes the skies more dangerous.

So, let's briefly summarize the TSA's decision. You can bring a disposable butane lighter but not a cigar lighter or a torch lighter. You can bring a fueled lighter onboard but you cannot check it in your luggage. You can bring explosive liquid in the form of a fueled butane lighter but cannot bring a large tube of toothpaste in the form of toothpaste. And you don't need the lighter anyway because you cannot smoke onboard. It seems that common sense has left the gate at the Transportation Security Administration.

Mr. President, my amendment would have continued to prohibit butane lighters onboard an aircraft until the TSA provides Congress a report identifying all anticipated security benefits and any possible vulnerabilities associated with allowing butane lighters into airport sterile areas and onboard an aircraft, as well as any supporting analysis justifying their conclusions.

Further, my amendment would have required the GAO to conduct an assessment of the report submitted by TSA to Congress. Until these reports were conducted, the ban on butane lighters would remain in place.

My amendment has the support of the 55,000-member Association of

Flight Attendants. I will ask that a letter from the Association of Flight Attendants be printed in the RECORD.

Flight attendants are on the front lines in the event of a terrorist attack involving aircraft. They are our first responders onboard and understand what could constitute a dangerous tool in the hands of a determined terrorist. After September 11, 2001, keeping weapons—and any device that could be used as a weapon—off passenger airplanes is not ''security theatre.'' It is security, plain and simple.

My amendment also has the endorsement of the Federal Law Enforcement Officers Association, which represents over 25,000 Federal law enforcement officers, including Federal Air Marshals. I will ask that their letter of support be printed in the RECORD.

In their letter, they say that ''allowing butane lighters onto commercial aircraft would jeopardize the safety of both the flying public and the Federal Air Marshals who protect them.''

I ask that my colleagues join me in support of this amendment. Let's restore common sense and do all we can to limit the kinds of potential weapons terrorists may employ onboard aircraft.

Mr. President, I ask unanimous consent that the letters to which I referred by printed in the RECORD.

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

ASSOCIATION OF FLIGHT ATTENDANTS—CWA, AFL–CIO,
Washington, DC, July 25, 2007.

DEAR SENATOR CLINTON: On behalf of the 55,000 members from 20 Airlines represented by the Association of Flight Attendants—CWA, I am writing to express our support for your efforts to reinstitute the ban on lighters onboard passenger aircraft. We look forward to working with you to reinstitute this common sense security measure.

As the first responders onboard passenger aircraft, we were extremely frustrated with the decision by the Transportation Security Administration (TSA) in December of 2005 to lift the ban on scissors, screwdrivers and other tools that could be used as potential weapons onboard the aircraft. Such a move by the TSA was shortsighted and not in the best interest of the overall security of passenger aircraft and our aviation system. Furthermore, they failed to take into consideration the concerns of flight attendants, those that are jeopardized the most by reintroducing these dangerous items into our workplace.

This recent TSA decision to lift the ban on lighters is no different. It is yet another shortsighted move on their part to supposedly free up screener time to check for other, more dangerous, items. If the shoe bomber, Richard Reid, had a lighter during his efforts to bring down an American Airlines flight he most likely would have succeeded. The ban on lighters was a common sense move to prevent another tragedy and must be reinstated.

Flight attendants are in a unique position, as the first responders onboard all passenger aircraft, to know what could constitute a dangerous tool in the hands of a determined terrorist. We remain adamant that TSA must reinstitute its ban on small blades and tools and this recent decision to allow lighters onboard the aircraft should be reinstated.

Again, we look forward to working with you to reinstate this common sense safety procedure.

Respectfully,

PATRICIA A. FRIEND,
International President.

FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION,
Lewisberry, PA, July 26, 2007.

Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: As the President of the Federal Law Enforcement Officers Association (FLEOA), representing over 25,000 Federal law enforcement officers, I wish to offer our support for continuing the ban on butane lighters on commercial aircraft.

A decision to change the ''Prohibited Item List'' and allow butane lighters on commercial aircraft could have potentially life threatening consequences. If in the well known ''shoe bomber case'' Richard Reid had used a butane lighter the results might have been catastrophic.

Both the flying public and TSA screeners have become accustomed to the ban on butane lighters and a change now would only create confusion among them. Furthermore, allowing butane lighters onto commercial aircraft would jeopardize the safety of both the flying public and the Federal Air Marshals (FAMs) who protect them.

We fully support your efforts to keep butane lighters on the ''Prohibited Item List'' however we continue to have concerns about certain items that have been removed in the past. The safety of Federal law enforcement officers who fly armed to prevent terrorist attacks should never be compromised. The safety of the flight crew and the flying public is of paramount importance to all of us.

If I can be of any assistance, please feel free to contact me at 917–738–2300.

Sincerely,

ART GORDON,
National President.

FUNDING FOR MASS TRANSIT AND COMMUTER RAIL SYSTEMS

Mr. CASEY. Mr. President, I would like to engage in a brief colloquy with the distinguished chairman of the Appropriations Committee, Senator BYRD, concerning the amendment I have filed to the pending bill on the floor regarding the use of Transit Security Grant Program funding for mass transit and commuter rail systems across the Nation. My fellow home State Senator, Mr. SPECTER, is a cosponsor of this amendment. As the chairman is aware, the Southeastern Pennsylvania Transit Authority, SEPTA, is the fifth largest public transportation system in the Nation. SEPTA's mulimodal transit system provides a network of fixed-route service, including bus, subway, subway-surface, regional rail, light rail, trackless trolley and paratransit service. The SEPTA service area includes the heavily populated southeastern Pennsylvania counties of Bucks, Chester, Delaware, Montgomery, and Philadelphia. This area encompasses approximately 2,200 square miles. SEPTA serves over one-half million customers daily and provides over 303 million passenger trips annually. The safety and security of its passengers, infrastructure and equipment is a priority for SEPTA and it is a priority for me.

The current SEPTA communications system does not permit communication inside the system's 20-mile commuter tunnel network and underground concourses. This puts significant limits on SEPTA's ability to deal with emergencies that occur in its underground facilities. To address this matter, SEPTA is working to develop a system that will allow the Authority to effectively participate in all emergency response and recovery actions which may occur in the system's tunnel network. This project will enable SEPTA to take measures to enhance safety and security.

Based upon my conversations with SEPTA officials, I understand that it has been unable to fully utilize Federal homeland security funds in past years for this initiative. SEPTA officials report that Federal restrictions require expenditure of homeland security funds within a 3-year time period. SEPTA officials further report that implementing a system-wide underground communications network, including appropriate use of capital investment planning and effective procurement practices, is not possible within this existing time frame. SEPTA has therefore been unable to make the progress it desired on this project.

Given the potential consequences of current restrictions, it was my hope that an amendment expanding the timeframe for expenditure of fiscal year 2008 Transit Security Grant Program funds from the existing 36 months to 48 months be adopted to enable transit systems across the nation, including SEPTA, to use their available funds in a more flexible manner.

It is my understanding that the chairman of the Appropriations Committee, as well as the chairman of the authorizing committee, the Banking, Housing, and Urban Affairs Committee, has several concerns regarding this amendment. I fully appreciate the valid points they raise and look forward to working with them to come to an appropriate solution. I would note that the distinguished Member from West Virginia has been very supportive of assistance in providing appropriate Federal funding for important homeland security initiatives in my home State and I wish to convey my gratitude.

Mr. BYRD. I thank the distinguished Member from Pennsylvania for his remarks on the amendment he has filed. The safety and security of our Nation's mass transit systems is a critical priority for me. We only need be reminded of the terror attacks in Madrid on a commuter rail system in 2004 and in London on the underground system in 2005 to appreciate the magnitude and urgency of the threat to our transit and rail networks.

I look forward to working with my colleague to help ensure that SEPTA, and all mass transit and commuter rail systems, have the necessary resources to ensure their safety and security, including facilitation of communications

between first responders in the event of an attack. To the extent that the SEPTA system faces a unique challenge with regard to flexibility and duration of use of their existing Federal funds, I look forward to working with you and the Federal Emergency Management Agency to find an appropriate solution that meets the legitimate safety needs of the passengers and employees of the system.

THE NORTHERN BORDER

Mr. LEVIN. Mr. President, the PATRIOT Act required that DHS triple the number for border patrol agents at the northern border, the Trade Act of 2002 required 285 additional customs inspectors for the northern border and the Intelligence Reform and Terrorism Prevention Act of 2004 included a provision that authorized an increase of 2,000 U.S. border protection agents each year from FY2006 through FY2010 and further required that 20 percent of the increase in agent manpower each fiscal year be assigned to the northern border. However, nearly a third of those agents have not been deployed to the northern border. According to the Congressional Research Service, the gap between the authorized level of Customs and Border Protection officers at the northern border and the actual number of officers deployed there will be roughly 1,517 in FY2008.

I am pleased that the Senate just passed the Graham-Pryor amendment that will provide $3 billion for border security and 23,000 full time agents to our borders. I ask my friend from West Virginia, the chairman of the Appropriations Committee, is it the intent of the amendment to provide those assets to both the northern and southern borders, and, to further implement the authorizations I mentioned, to deploy more agents to the northern border?

Mr. BYRD. I appreciate my friend from Michigan's concern about the northern border and tell him that yes, the amendment is meant to increase staffing at both of our borders and it is not the intent of the amendment to favor one border over the other. The Appropriations Committee has been clear in its support for the Border Patrol and its mission of preventing entry into the Untied States of illegal aliens, terrorists, weapons of mass destruction and other illicit goods or individuals. Further, in recognition of the importance of security at our northern border, the Appropriations Committee has directed the Secretary of Homeland Security to assign to the Northern Border 20 percent of the net increase in agents in fiscal year 2008.

Mr. TESTER. I thank Senator BYRD for this important clarification. I thank Senator LEVIN for being such a leader on this issue. I think it is important that people understand that this is not an issue that the northern states just decided to raise in the interest of getting our fair share. It is a matter of national security. The 9/11 Commission's report cites a lack of balance in manpower between the northern and southern borders. They note that the would-be terrorists in the millennium plot were detained on the northern border.

This is not about being parochial. This is about our national security. This is about making sure that we have the resources to stop a terrorist from bringing materials for a dirty bomb in from Canada. It's about stopping the flow of illegal immigrants and illegal drugs like meth and marijuana that come in from the north each year.

So I thank Chairman BYRD for clarifying that the additional Border Patrol personnel and funding contained in the Graham-Pryor amendment is not just going to go to the southern border, but will go to both of our borders. This amendment is vital to our homeland security, and I think that if the northern border gets 20 percent of the resources outlined in the amendment, we will have really done something significant to enhance the security of our 4,300 mile border with Canada. And so I thank the authors of the amendment, one of whom is here with us.

Senator GRAHAM, can you clarify that the intent of your amendment was to make additional Border Patrol agents and funding available for both the northern and southern border?

Mr. GRAHAM. My friend from Montana is correct. The intent of the amendment was to improve our security and increase assets at both the northern and southern borders.

AMENDMENT NO. 2481

Mr. SPECTER. Mr. President, I seek recognition to explain my vote against the DeMint amendment no. 2481 to the Fiscal Year 2008 Homeland Security Appropriations Act.

I voted against the DeMint amendment because it prohibited the Secretary from modifying the existing list of crimes disqualifying someone from receiving a Transportation Worker Identification Credential when circumstances warrant a regulatory change. Sound public policy requires flexibility on such matters and Congress can rely on the Secretary, a Cabinet official, to exercise sound discretion. If the Secretary fails to do so, Congress can always intervene and change the law.

Mr. BIDEN. Mr. President, today I voted in favor of tabling the Alexander-Collins amendment on the REAL ID Act, Senate Amendment 2405, because I wanted to prevent reducing by almost 1 percent critical Federal spending on port and rail security, first responders' resources, and other homeland security protections. Rail infrastructure is the most widely attacked terrorist target in the world, and we must increase, not decrease, funding for our railroads. Similarly, port security is a top priority in our antiterrorism campaign, and I opposed this effort to divert funding from protecting our ports. I appreciate the work of my colleagues on the Senate Appropriations Committee to craft a balanced spending bill.

Mr. KERRY. Mr. President, I support the fiscal year 2008 Department of Homeland Security, DHS, appropriations bill. The underlying legislation provides $37.5 billion—$2.3 billion more than the President requested—to help DHS defend against what the recently declassified National Intelligence Estimate, NIE, concluded will be ''a persistent and evolving terrorist threat over the next three years.''

The President, however, has threatened to veto this bill and hold up essential security funding because its funding level is slightly above his budget request. After years of underfunding homeland security, cutting taxes for the wealthy at the expense of the middle class, and failing to veto one pork-laden spending bill passed by the GOP Congress, it is hard to take the President's sudden conversion to fiscal responsibility seriously. He has long since proven his appetite for spending beyond our means and has lost the support of his fiscally conservative base.

In crafting this and other spending bills, the Democratically-controlled Congress is meeting our needs while adhering to pay-as-you-go rules which will help stem the record deficits of the last 6 years. This critical legislation funds important programs to protect the border, improve aviation security, fund and train first responders, and provide disaster relief to the States, and it does it without busting the budget.

I am especially pleased that the bill provides $1 billion above the President's budget request for State and local grant programs such as the Urban Area Security Initiative and Port Security Grant Program. This will ensure that Massachusetts and other strategically important States receive an increase in counterterrorism funding in 2008. I remained concerned, however, that DHS still does not award grants solely according to risk. Given the sobering conclusions of the NIE, we cannot afford to misallocate homeland security grants. I thank Chairman BYRD and Senator COCHRAN for accepting an amendment that I offered which requires the Government Accountability Office to review the methodology the department uses to rank States and cities according to risk. Congress needs to know this information so that it can make informed decisions regarding the Department's grant policies.

I also want to thank Chairman BYRD and Senator COCHRAN for accepting my amendment to create a pilot program to test automated document authentication technology at ports of entry. The technology DHS uses to authenticate foreign travel documents is unfortunately no better now than on 9/11. It simply checks personal information against databases which we know are not always accurate. In keeping with the recommendations of the 9/11 Commission, this pilot program will hopefully compel DHS to deploy technology that can detect security features and distinguish between real and fraudulent travel documents. DHS is spending millions to implement the US–VISIT

and Western Hemisphere Initiative but has yet to test technology that can authenticate the documentation that visitors will be required to provide under those programs. It is imperative that DHS conduct this pilot program as soon as possible and improve its ability to detect fraudulent travel documents.

The Senate also adopted a bipartisan amendment to add $3 billion in emergency spending to help DHS hire more Border Patrol agents, detention beds, and monitoring equipment along the border which we all agree it needs. This amendment, while important, is not a substitute for finishing work on comprehensive immigration reform legislation, and I hope that Congress will revisit this important issue. Keeping 12 million undocumented workers in the shadows is neither good for our economy or our security.

Mr. President, H.R. 2368 provides for the first time adequate funding for agencies and programs within DHS. It would be irresponsible and reckless for the President to veto this bill, and I hope he reconsiders his position.

Mr. LEVIN. Mr. President, I will support final passage of the Homeland Security appropriations bill today because its funding is vital to our first responders and all of those responsible for protecting us.

Although all Americans are united in our commitment to secure our homeland, the administration's budget has too often not reflected that commitment. In particular, we have not kept faith with our first responders by giving them the tools they need, and we have not done enough to secure our borders. I am glad that this bill will make much needed improvements on these and other issues.

The bill appropriates $37.6 billion for homeland security programs for fiscal year 2008, which is an increase of $2.2 billion over the President's budget. Perhaps most significantly, the legislation provides vital funding to our first responders to protect our country from a terrorist attack and ensure that we are able to respond adequately should such an attack occur. Specifically, it provides $525 million for the State Homeland Security Grant Program, $820 million for the Urban Area Security Initiative, $700 million for the assistance to firefighters grants and $300 million for emergency management performance grants.

To secure our borders, a total of $10.2 billion is provided for Customs and Border Protection. I am pleased that, in addition to the funding in the underlying bill, the Senate also adopted an amendment to add an additional $3 billion for border security which will enable the Department of Homeland Security to hire, train and deploy 23,000 additional full-time boarder patrol agents and provide other essential security measures at our borders. The legislation also provides $4.432 billion for immigration and customs enforcement, including $146 million for 4,000 new detention beds.

Finally, I want to note that the bill increases funding for the Transportation Security Administration by $164.6 million above last year's level, which is $764 million more than requested by the President. It provides $529.4 million for the procurement and installation of explosive detection systems at airports.

The funding levels in this bill reflect our commitment to protecting the American people, and I am hopeful they will be maintained in conference and that we can quickly get this legislation to the President for his signature.

Mr. LAUTENBERG. Mr. President, I rise in strong support of the Homeland Security appropriations bill now on the floor. As a member of the Senate Appropriations Committee's Subcommittee on Homeland Security, I am proud of the bill we crafted. This bill will provide our country with more of the resources it needs to protect our communities and secure our residents.

Homeland security is particularly important to my home State. New Jersey lost 700 people on 9/11 families torn apart and lives ended without ever seeing loved ones again.

And New Jersey is ripe with targets for terrorists, from our ports to our chemical plants. In fact, the FBI has stated that the most dangerous 2 miles in America for terrorism lie within the stretch of land from Port Newark to Newark Liberty International Airport.

The level of funding for the Department of Homeland Security directly affects the safety of residents in my State.

That is why I'm glad that this legislation would invest $37.6 billion into making our homeland safer and more secure.

This figure is $2.2 billion more than what President Bush asked for. And because of that, the President is threatening to veto the bill. This is astonishing and it is wrong—$2.2 billion is less money than we spend in 1 week in Iraq.

The Senate must stand up, pass this legislation, and begin to turn a corner to provide more money to effectively defend our homeland.

In addition to more money for border security, this bill provides critical funding for first responders, including $560 million for firefighter equipment grants, $525 million for the State Homeland Security Grant Program—which is $275 million above the President's request—and $375 million for law enforcement and terrorism prevention grants.

This bill also doubles port and rail security grants in the Bush proposal to $400 million.

The Port of New Jersey and New York is largest port on the east coast—and the second-busiest container port in the country. Our ports in south Jersey are part of the Delaware River port system, which is the busiest crude oil tanker port in the country. Through these ports, many goods and materials transit to store shelves, gas pumps and factory assembly lines in the towns and cities in the interior of our country. In short, our ports are essential to our economy.

And in 2006, Amtrak had record ridership of 25 million. Ridership is already up in 2007 by 5 percent. On an average weekday, nearly a million New Jerseyans rely on our transit systems to get to work, including trains, buses, and light rail lines.

This funding for port and rail security is vital for our State.

In 2006, the President—with great fanfare—signed a port security which authorized $400 million for port security grants this year. But then he failed to fund it.

The Senate is prepared to follow through on the promise of this vital funding.

I am also proud that we are working to protect our homeland—and our economy—from terrorists who set their sights on hazardous cargoes at sea.

Senators INOUYE, STEVENS and I introduced legislation earlier this year to better protect maritime vessels carrying hazardous chemicals and petrochemicals. I am pleased that the committee has agreed with my request to include funding for maritime hazardous cargo protection—including liquefied natural gas—in this Homeland Security bill.

I am further pleased that the committee acknowledged in the Report for this bill the need to expand the laboratory space at the Transportation Security Lab, TSL, in Pomona, NJ, in order to accommodate the Department's explosives detection equipment certification program. This program certifies all explosives detection equipment used by the Transportation Security Administration, and provides certifications to equipment vendors. It is clear that this facility must be expanded to safely accommodate this important program.

Finally, I am glad the Senate is once again going on record to support my provision to protect the rights of states to pass chemical security laws that are stronger than Federal regulations.

DHS recently put rules into effect for the Federal regulation of chemical plant security. But in doing so, the agency wants to preempt states from enacting stronger chemical security laws. This is the wrong approach.

The language in the Homeland Security funding bill before us wisely preserves the right of states to adopt chemical security measures stronger than Federal regulations. This language is supported by the chairs of the 9/11 Commission, the National Governors Association, and the National Conference of State Legislatures.

Simply put: preempting State laws would make the people of my State and other States less safe.

The language in this bill will allow States to go beyond the Federal regulations as long as there is no actual conflict with the federal regulations. This

means that unless it is impossible to comply with both State law and Federal law, the State law is not preempted.

Between the increases in funding for first responders, port, rail and maritime security, and the protection of States rights to pass chemical security laws that are stronger than Federal regulations, this is the right bill at the right time.

I encourage my colleagues to support this legislation and I urge the President to sign it into law.

Mr. MCCONNELL. Mr. President, today marks an important milestone for this Congress. It seems that after spending the first half of the year staging political show-votes and investigations, our friends on the other side have woken up to the fact they only had two things to show for it: an angrier base and a long to-do list. In the fog of battle they forgot that getting things done in the Senate takes cooperation.

We have cooperated on this bill. And it is a lot better for it. I am extremely pleased the majority ultimately accepted Senator GRAHAM's border security amendment. We got the message last month: border security first. And now, thanks to this effort, we will be delivering a $3 billion downpayment on a stronger border. I also appreciate Senator CORNYN's insistence that interior enforcement be a part of that funding. To us it's pretty simple: there is no homeland security without border security. We will continue to push this idea on the floor of the Senate in the coming weeks and months. Today is just the beginning.

A lesson we can learn from the last 6 months is that there is a cost to everything. And the cost of putting off legislating in favor of around-the-clock politics is that there isn't much to show for it in the end.

It has been my view all along that we should have been working on appropriations bills all summer. Here we are almost in August and we have only passed one. So we are looking at a potential train wreck in September. But it is possible that if we work together, like we did this time, we can still make good progress. And I hope we do.

A brief word about cloture. Look: anybody who has been in the Senate for more than a week will tell you—if they are being honest—that 40 or so cloture votes in 6 months isn't a sign of minority obstruction; it is a sign of a majority that doesn't like the rules. The cloture club shouldn't be the first option. It should be the last. Hopefully today's vote is also a sign that we are moving away from cloture as a first resort.

I hope the majority will follow through on a pledge that the senior Senator from Illinois made on the first day of the session. He said the American people put Democrats in the majority ''to find solutions, not to play to a draw with nothing to show for it.'' Very well said.

My Republican colleagues hope we can operate this way. I think it will be the best way to operate in the fall if we actually intend to legislate.

The PRESIDING OFFICER. If there are no further amendments, the question is on agreeing to the substitute, as amended.

The amendment (No. 2383), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

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

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

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), the Senator from Mississippi (Mr. LOTT), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted ''yea.''

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

The result was announced—yeas 89, nays 4, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—89

Akaka	Dorgan	Menendez
Alexander	Durbin	Mikulski
Allard	Ensign	Murkowski
Barrasso	Enzi	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Bennett	Graham	Pryor
Biden	Grassley	Reed
Bingaman	Gregg	Reid
Bond	Hagel	Roberts
Boxer	Harkin	Rockefeller
Brown	Hatch	Salazar
Bunning	Hutchison	Sanders
Burr	Inouye	Schumer
Byrd	Isakson	Sessions
Cantwell	Kennedy	Shelby
Cardin	Kerry	Smith
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Chambliss	Kyl	Stabenow
Clinton	Landrieu	Stevens
Cochran	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thune
Corker	Lieberman	Vitter
Cornyn	Lincoln	Warner
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
Dole	McCaskill	Wyden
Domenici	McConnell	

NAYS—4

Coburn	Inhofe
DeMint	Voinovich

NOT VOTING—7

Brownback	Johnson	Obama
Coleman	Lott	
Dodd	McCain	

The bill (H.R. 2638), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mrs. MURRAY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House, and the Chair appoints the following conferees:

The Presiding Officer appointed Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. NELSON of Nebraska, Mr. COCHRAN, Mr. GREGG, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. SHELBY, Mr. CRAIG, and Mr. ALEXANDER conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank all Senators who worked very hard to get the Homeland Security appropriations bill completed. I thank Senator COCHRAN and Senator BYRD, managers of the bill. It has been a long process. We got a lot accomplished. We have one appropriations bill that we will now send to conference. I especially thank the staffs who spent long hours.

I ask unanimous consent to have their names printed in the RECORD and to thank them publicly.

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

MAJORITY STAFF

Charles Kieffer
Chip Walgren
Scott Nance
Drenan E. Dudley
Tad Gallion
Christa Thompson
Adam Morrison

MINORITY STAFF

Rebecca Davies
Carol Cribbs
Mark Van de Water

IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 1, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1)