

## CHANGES TO S. CON. RES. 21

Mr. CONRAD. Madam President, section 301 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that reauthorizes the State Children's Health Insurance Program, SCHIP. Section 301 authorizes the revisions provided that certain conditions are met, including that the legislation not result in more than \$50 billion in outlays over the period of fiscal years 2007 through 2012 and that the legislation not worsen the deficit over the period of fiscal years 2007 through 2012 or the period of fiscal years 2007 through 2017.

I find that S. 1893, which was reported to the Senate on July 27, 2007, and will be offered as a complete substitute to H.R. 976, satisfies the conditions of the deficit-neutral reserve fund for SCHIP legislation. Therefore, pursuant to section 301, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Finance Committee.

I ask unanimous consent to have the following revisions to S. Con. Res. 21 printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

(In billions of dollars)

| SECTION 101                        |           |
|------------------------------------|-----------|
| (1)(A) Federal Revenues:           |           |
| FY 2007 .....                      | 1,900.340 |
| FY 2008 .....                      | 2,022.084 |
| FY 2009 .....                      | 2,121.502 |
| FY 2010 .....                      | 2,176.951 |
| FY 2011 .....                      | 2,357.680 |
| FY 2012 .....                      | 2,494.753 |
| (1)(B) Change in Federal Revenues: |           |
| FY 2007 .....                      | -4.366    |
| FY 2008 .....                      | -28.712   |
| FY 2009 .....                      | 14.576    |
| FY 2010 .....                      | 13.230    |
| FY 2011 .....                      | -36.870   |
| FY 2012 .....                      | -102.343  |
| (2) New Budget Authority:          |           |
| FY 2007 .....                      | 2,376.360 |
| FY 2008 .....                      | 2,503.290 |
| FY 2009 .....                      | 2,524.710 |
| FY 2010 .....                      | 2,577.981 |
| FY 2011 .....                      | 2,695.425 |
| FY 2012 .....                      | 2,732.230 |
| (3) Budget Outlays:                |           |
| FY 2007 .....                      | 2,299.752 |
| FY 2008 .....                      | 2,470.369 |
| FY 2009 .....                      | 2,570.622 |
| FY 2010 .....                      | 2,607.048 |
| FY 2011 .....                      | 2,701.083 |
| FY 2012 .....                      | 2,713.960 |

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(In millions of dollars)

|   |           |
|---|-----------|
| Current Allocation to Senate Finance Committee: |           |
| FY 2007 Budget Authority .....                  | 1,011,527 |
| FY 2007 Outlays .....                           | 1,017,808 |
| FY 2008 Budget Authority .....                  | 1,078,905 |
| FY 2008 Outlays .....                           | 1,079,914 |

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION—Continued

(In millions of dollars)

|   |           |
|---|-----------|
| FY 2008—2012 Budget Authority .....             | 6,017,379 |
| FY 2008—2012 Outlays .....                      | 6,021,710 |
| Adjustments:                                    |           |
| FY 2007 Budget Authority .....                  | 0         |
| FY 2007 Outlays .....                           | 0         |
| FY 2008 Budget Authority .....                  | 7,237     |
| FY 2008 Outlays .....                           | 2,055     |
| FY 2008—2012 Budget Authority .....             | 47,405    |
| FY 2008—2012 Outlays .....                      | 35,191    |
| Revised Allocation to Senate Finance Committee: |           |
| FY 2007 Budget Authority .....                  | 1,011,527 |
| FY 2007 Outlays .....                           | 1,017,808 |
| FY 2008 Budget Authority .....                  | 1,086,142 |
| FY 2008 Outlays .....                           | 1,081,969 |
| FY 2008—2012 Budget Authority .....             | 6,064,784 |
| FY 2008—2012 Outlays .....                      | 6,056,901 |

HOMELAND SECURITY APPROPRIATIONS

Mr. BAUCUS. Madam President, last week when the Senate considered the Homeland Security Appropriations Bill, I offered an amendment, numbered 2406, with my good friend and partner from Montana, JON TESTER. Our amendment would bar funds appropriated in the Homeland Security appropriations bill from being used to establish a national ID card.

Benjamin Franklin once said, "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

Generations of Americans have fought for both our liberty and safety.

America's Founders sought the freedom to lead their lives as they chose—freedom of religion, speech, and assembly. Freedom, above all other motives, led them to cross the ocean find a new home in America.

Whether defending our liberty from British colonial governors, Nazi aggression, or today's Islamic radicals, Americans have never tired in their effort to stand up in defense of our liberty.

But sometimes the threat to liberty is not as obvious as a red-coated army or a German panzer division. Sometimes, the threat is much harder to see but just as dangerous.

The threat I speak of today is a national ID card.

A national ID card may sound harmless to some. Indeed, a number of politicians have called for giving every citizen a national ID card. They argue that a national identification card would make it harder for terrorists to use fake identification to enter the country.

But a national ID card has the potential to be abused. Such a card could become a system of identity papers, databases, status and identity checks, and Federal surveillance used to track and control individuals' movements and activities. It could, in effect, create an internal U.S. passport.

Some have argued that a national ID is essential to protecting Americans from terrorism. I strongly disagree.

In response to the 9/11 Commission's recommendations, Congress passed the

Intelligence Reform and Terrorism Prevention Act of 2004. This act provided a number of improvements to our Nation's driver's licenses.

I support these reasonable efforts to secure our State driver's licenses from terrorists. However, a national ID card would just give Government bureaucrats another chance to meddle in the private lives of regular law-abiding Americans.

Just to get on a plane, go in a Federal building, or drive down the road, you would have to have the permission of some bureaucrat in Washington.

If a national ID card were established, we would be right back here on the Senate floor debating whether citizens would be required to carry them at all times or pondering what citizens are allowed to do without a national ID card.

A National ID card would be a terrible loss of freedom in this country.

Foreign countries with the worst civil liberties records in the world require their citizens to carry a national ID at all times. They have legal punishments for people caught without their IDs.

Take Zimbabwe, for example. They passed a law in November which required all citizens to carry a national ID. Citizens face a fine or imprisonment if they refuse to carry the ID.

History has taught us that national ID cards can lead to dangerous and destructive government policies. National ID cards played important roles in the genocides of both Nazi Germany and Rwanda.

The apartheid-era Government of South Africa used national identification documents as internal passports to oppress the country's native population.

Clearly, a national ID would be wrong for the United States. I am proud to say my home State of Montana would be the first to reject any effort to impose this sort of system.

Montana's leadership has spoken, and I have heard them loud and clear; get the Federal Government out of the business of telling the States how to produce driver's licenses and ID cards.

My friend, Montana's Governor Brian Schweitzer, signed a law in April that bans Montana's Department of Motor Vehicles from enforcing the requirements of the Real ID act. Republicans and Democrats alike in Montana's Legislature have voted unanimously to reject Real ID. I am proud of Montana's vigilant stand against the Federal Government's encroachment.

It is wrong for politicians in Washington to burden State authorities with excessive regulations. We must allow our States to take initiatives as well. We should never try to micro-manage them. They know how to do their job.

Mr. President this is not a partisan issue. Organizations from the left, the ACLU, join hands with groups from the right, the NRA, and raise serious concerns about the establishment of a national ID card.

I urge my colleagues to join the chorus of Americans and support this amendment.

Mr. SPECTER. Mr. President, I wish to amplify my brief earlier statement regarding my vote against the DeMint amendment No. 2481 to the fiscal year 2008 Homeland Security Appropriations Act.

On February 28, 2007, during Senate consideration of the Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act of 2007, there were two side-by-side votes on amendments related to criminal offenses which disqualify an applicant from receiving a transportation worker identification credential.

The first vote was on an amendment offered by Senator INOUE. This amendment, amendment No. 285, specified certain criminal offenses which would disqualify an applicant from receiving the transportation worker identification credential but gave the U.S. Secretary of Homeland Security the authority to add to or modify the listed offenses in a rulemaking. I voted in favor of this amendment because I believe the Secretary ought to have the authority to modify the existing list of crimes when circumstances warrant a regulatory change, and the amendment was adopted by a vote of 58 to 37.

The second vote was on an amendment offered by Senator DEMINT. This amendment, amendment No. 279, was identical to the previous amendment offered by Senator INOUE aside from its omission of Secretarial authority to modify the list of existing offenses. Since these amendments were in direct contradiction with one another over the issue of granting the Secretary authority to modify the existing list, I voted against the DeMint amendment. Nevertheless, it was adopted by a vote of 94 to 2, with 56 Senators voting to contradict the position they had taken on the previous amendment.

Therefore, when the question came up on the DeMint amendment No. 2481 to the fiscal year 2008 Homeland Security Appropriations bill, which would have prohibited funds provided in the act from being expended by the Secretary to remove offenses from the list of criminal offenses disqualifying individuals from receiving a transportation worker identification credential, I voted against it, not only because I believe it is sound public policy to require flexibility on such matters but also because it was consistent with my position on the Inouye amendment to the Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act of 2007. The DeMint amendment No. 2481 was adopted by a vote of 93 to 1 even though it was again in direct contradiction to the position taken by the Senate when it adopted the Inouye amendment to the Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act of 2007.

Mr. FEINGOLD. Madam President, I was pleased to support the fiscal year 2008 Homeland Security appropriations bill. Our national security strategy needs to adapt in order to meet new and emerging threats while ensuring those in charge of protecting us have the resources they need. I am pleased to support the current Homeland Security appropriations bill which includes many important measures to keep our communities safe.

The Senate unanimously accepted my amendment to improve the Safe Skies program that I established a few years ago. The amendment will encourage the Transportation Security Administration and the airlines to better implement legislation I authored that allows first responders to volunteer to help flight crews in the event of an on-board emergency.

The bill would increase funding for State fire fighter and emergency management grants. Along with a bipartisan coalition of Senators, I wrote to Senate appropriators earlier in the year asking that they increase funding for these important grants. The appropriators agreed with our recommendations and recommended \$700,000,000 for fire fighter grants and \$300,000,000 for emergency management performance grants. These funds will help State and local agencies obtain the equipment and training they need to protect us against terrorist incidents and natural disasters.

I was disappointed that an amendment I cosponsored to fund decontamination units for the National Guard's Weapons of Mass Destruction Civil Support Teams, WMD-CST, did not receive a vote. As a result of legislation I authored, every State in this Nation now has a functional WMD-CST. The Department of Defense recently announced that it will soon finalize the certifications of all of these teams. I will continue to work to ensure that the National Guard receives the funds it needs to perform its homeland security operations.

The bill would appropriate the funds needed to hire 3,000 additional border patrol agents. This important provision will help us secure our borders and restore credibility to our immigration system. While I was deeply disappointed that the Senate was unable to reach a bipartisan compromise to implement comprehensive immigration reform, I am pleased that the bill will help improve our border security. I also supported an amendment offered by Senator GRAHAM to appropriate an additional \$3 billion for additional border agents, infrastructure and technology. I was concerned that the amendment was not offset and that it authorized building 700 miles of fencing, which has not been demonstrated to be a realistic or cost-effective method of securing the border. However, I supported the amendment because the personnel, infrastructure, and technology provisions represent important steps toward border security, which is one of our top homeland security priorities.

The bill would permit States to enact chemical security regulations that are stronger than Federal regulations. Chemical security regulations are an urgent homeland security priority, and I support the ability of the States to set tougher standards.

Wisconsin residents and Americans across the country are concerned about the serious backlog in passport application process. This bill would delay the implementation of the Western Hemisphere Travel Initiative to keep the backlog from increasing until we have a chance to resolve this issue.

I voted to table an amendment offered by Senator ALEXANDER that would have reduced funding for border, port and air security in order to provide increased funding for implementation of the REAL ID Act. That act is deeply flawed. While I am concerned that it remains an unfunded priority, I am also concerned that, if we head down the road of funding this misguided policy, the Senate will not take the necessary steps to reform the REAL ID Act. Moreover, the National Governors Association has estimated that the cost of implementing the REAL ID Act could reach \$11 billion, which means that the increased funding provided by this amendment, \$400 million, would do little to address the unfunded mandate of REAL ID while taking away money for pressing homeland security priorities. I will continue to push for reform of the REAL ID Act, to provide for proper funding of any Federal mandate in the reformed act, and to ensure that the implementation of the act is not rushed.

We are still spending almost twice as much on Iraq as is allocated for homeland security, diplomacy, and international assistance combined. The billions we spend each month in Iraq could be better invested in the protection of critical infrastructure and our system of national preparedness and response that failed in the wake of Hurricane Katrina. As we consider the defense appropriation this fall, I encourage my colleagues to take a broader view when it comes to our national security priorities and make the trade-offs that must be made.

This bill would significantly increase spending on homeland security. I do not take lightly a decision to vote in favor of spending the taxpayers' money. Fiscal responsibility is one of my highest priorities, but it is imperative that we provide the resources needed to combat al-Qaida and its affiliates and protect the country.

I am pleased that the bill would appropriate funds to double the frequency of spot checks at regulated port facilities across the country, to conduct vulnerability assessments at 10 high risk ports, to create a radiation detection test center to help scan cargo and to purchase and install explosives detection equipment at airports. Much more remains to be done. I will continue to work to ensure that our national security strategies address the range of

threats we face and properly prioritizes homeland security.

#### IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT

Mr. KOHL. Madam President, I wish to discuss several provisions in the conference bill, H.R. 1, Implementing Recommendations of the 9/11 Commission Act of 2007. As chairman of the Special Committee on Aging, I wish to thank Senators LIEBERMAN, COLLINS, DODD, and SHELBY for working with me and my staff on provisions that will protect seniors in the event of an emergency or disaster.

It has been nearly 2 years since our Nation reeled from the tragic and shameful images of seniors abandoned during the aftermath of Hurricane Katrina. Sadly, we now know that 71 percent of the people who died were older than 60. Last year, the Special Committee on Aging held a hearing to examine how prepared the Nation is to care for our seniors in the event of a national emergency. What we learned was disheartening.

We learned that our Nation is woefully unprepared to meet the unique needs of our seniors in the event of a terrorist attack, natural disaster, or other emergency. Cookie-cutter emergency plans are of little use to seniors, especially those who depend on others for assistance in their daily lives. We need specific plans, programs, and information for all seniors facing emergencies.

That is why I teamed up with Senator COLEMAN to continue to work with the committees of jurisdiction to ensure that the Departments of Homeland Security and Transportation place seniors on the forefront of their emergency planning agenda. These provisions are an important step toward ensuring that seniors are not overlooked but are protected when the next national emergency occurs.

I thank Senators LIEBERMAN and COLLINS again for working with us to include two important provisions in titles I and IV that will address emergency preparedness and planning for older individuals.

The first provision we have successfully included amends the Homeland Security Act of 2002 to ensure that as State, local, and tribal governments develop their mass-evacuation plans they include specific procedures to inform the elderly before and during an evacuation. This will send a strong signal to States and communities that are engaged in emergency planning that seniors must be a priority and cannot be forgotten or ignored during mass evacuations. This will also assist older individuals and their families in appropriately preparing for an evacuation during an emergency or other disaster.

The second provision we have included amends the Post-Katrina Emergency Management Reform Act of 2006 to ensure that the National Exercise

Program is designed to address the unique needs of older individuals. The National Exercise Program was originally created to test and evaluate our Nation's level of preparedness and capability to prevent, protect against, respond to, and recover from national disasters. Such testing and evaluation will allow emergency management entities to effectively identify, assess, and improve vulnerabilities at the State, local, and tribal levels. This provision will keep older individuals on the forefront of national emergency planning.

I thank Chairman DODD and Ranking Member SHELBY again for working with us to successfully include and expand upon our original provision in title XIV, supported by the American Public Health Association, which would ensure that public transportation workers and other related employees are trained to meet the evacuation needs of seniors in the event of a crisis. The Secretary of Homeland Security will establish a program to conduct security exercises, which will be scaled to meet the needs of specific transportation systems and must take into account the needs of seniors who utilize those systems. Additionally, another provision in this title will ensure that transportation agencies receiving grant funding in high-risk areas have mandatory security plans in place that must include appropriate evacuation and communication measures for the elderly as a component of each agency's plan. Both provisions are particularly important since so many of our seniors utilize public transportation for access to their everyday needs. Furthermore, only public transportation has the capacity to move millions of people and provide first responders with critical support in major evacuations of urban areas.

Mr. President, these four provisions will go a long way in ensuring that our seniors are taken care of if we have another national emergency or disaster. Hurricanes Katrina and Rita taught us many painful lessons that should never be forgotten. I will not forget, and I intend to pursue additional legislation aimed at explicitly safeguarding the needs of America's seniors in the event of an emergency. The time to act to protect our seniors is now.

Mr. FEINGOLD. Madam President, I want to add my thoughts to the debate on the conference report accompanying the Improving America's Security Act of 2007.

First, I want to preface my remarks by applauding the chairman and ranking member of the Homeland Security and Governmental Affairs Committee for their work on this important bill. This bill makes crucial and long overdue improvements in transportation security, critical infrastructure protection and emergency response capabilities. There is no higher priority than protecting homeland security and this bill is a key component in that effort.

I am particularly pleased that the Federal Agency Data Mining Reporting

Act is included in this bill as Section 804. I have been working on this legislation for a number of years with Senator SUNUNU, Senator LEAHY, and Senator AKAKA. Many law-abiding Americans are understandably concerned about the specter of secret government programs analyzing vast quantities of public and private data about their pursuits, in search of patterns of suspicious activity. Four years after we first learned about the Defense Department's program called Total Information Awareness, there is still much Congress does not know about the Federal Government's work on data mining. This bill is an important step in allowing Congress to conduct oversight of any such programs or related research development efforts.

I supported the provision in the Senate bill which mandates the declassification of the aggregate amount of the intelligence budget. It is unfortunate that this provision was watered down during the conference process to permit the President to waive this requirement if the disclosure of this information would harm national security. The 9/11 Commission found that "when even aggregate categorical numbers remain hidden it is hard to judge priorities and foster accountability." I concur with the Commission, that aggregate budget figures "provid[e] little insight into U.S. intelligence sources and methods." Sharing this information with the American people will provide a greater level of transparency and accountability and in the end make us more secure.

I am pleased that this bill includes provisions to ensure proper oversight of homeland security grants. The bill requires regular auditing of homeland security grant funds to ensure that they funds are spent appropriately and effectively. I will continue to work with my colleagues to improve oversight of homeland security funding.

The conference report also includes important nonproliferation provisions. It would establish a Presidential coordinator for the prevention of WMD proliferation and terrorism. Currently, there is no point person in the Federal Government in charge of coordinating nonproliferation initiatives and efforts to prevent nuclear terrorism. We face a variety of worldwide terrorist threats. One of the most serious of those threats is the possibility that terrorists could smuggle fissile materials into the United States. This provision is an important contribution to our efforts to secure these materials and prevent the proliferation of weapons of mass destruction.

I must note that one provision of this bill troubles me greatly. That is the so-called John Doe provision concerning immunity for citizens making tips of possible terrorist threats and government officials acting on those tips. This provision was not in the bill that was passed in the Senate, nor was it in the bill that passed the House. It was apparently inspired by a lawsuit filed