

As Minnesota continues to clear the path for a new bridge, I know this body, as they promised that evening, stands ready to ensure that the appropriate funding is made available to rebuild it. It is one of the most heavily traveled bridges in the State and vital to our economy. If anyone would imagine the most major bridge in their metropolitan area, the most major highway overpass, suddenly falling into a river, you would understand. It is a bridge that takes people downtown, that brings students to one of the biggest universities in this country, and it brings hard-working Minnesotans to their jobs every day. But most important, it is the bridge that connects countless people with their families and friends.

On August 3, this Congress made a promise to the people of Minnesota that we would help rebuild the bridge. Today I come to the floor to ensure that we make good on that promise.

I am very happy with and I supported this effort to look at repairs across the country. That is what we just voted on today, and it passed. But I think we should make clear that appropriation did not include the money that Congress promised for the Minnesota bridge. It was used as the key example of why we needed to make repairs across the country, but it did not include the money to repair our bridge.

The last time I addressed this body, the day after the bridge collapsed, I said the rebuilding effort is going to be a long process. It is not just going to end tonight. Today I am here to take the next step in that rebuilding process. Our goal is to get this bridge rebuilt and to get our metropolitan area moving again.

The Minnesota Department of Transportation concluded that the loss of this critical bridge costs our economy \$400,000 per day. This is primarily due to lost travel time for commuters, for commercial truckers, for businesses closed down. This means our economy has already lost well over \$8 million since the bridge collapsed.

As this fiscal year comes to a close, I am dedicated to getting the funding for our State and the entire Midwest. We need to rebuild this bridge. We would like to rebuild this bridge as soon as possible, as I know this country wants to do and this body pledged to do. That is why we will work on this bill and whatever other bills we need to work on to get this funding for this bridge.

I applaud the efforts of my colleagues to get bridge repair for every State across the country, but we are devoted to ensuring that Congress make good on its promise and rebuild this bridge that is the symbol for why we need to make infrastructure repairs across this country.

#### VOTE EXPLANATION

Mr. DURBIN. Mr. President, this morning, due to flight delays, I missed

the rollcall vote on the confirmation of William Lindsay Osteen, Jr., to be U.S. District Judge for the Middle District of North Carolina. Had I been present for this vote, I would have voted to confirm this nomination.

#### PRESERVING STRONG RELATIONS WITH OUR INTERNATIONAL NEIGHBORS

Mr. LEAHY. Mr. President, among the important issues I wish to discuss this morning is an important issue, an international border issue with our friends and neighbors in Canada and Mexico, that could have severe implications for the social and economic ways of life for border communities in my own State of Vermont but all across the country.

In the wake of the September 11 terrorist attacks, a number of new border security measures have been put in place, all with the express goal of preventing another terrorist incident. I worked hard to provide balance and needed resources and to ensure that in the intervening years we did not focus solely on our southern border. I also have tried to convey to the administration and to this body something of the special relationship we have with our northern neighbor, Canada.

It is convenient to forget that most of the 9/11 hijackers entered the United States with legal visas. They would not have been stopped at any border. Some were on secret watch lists by this Government, but they were not being watched. And even later on, the Bush administration sent them official letters after they had killed themselves and thousands of innocent people in their attacks. The Bush administration had them on a watch list but did not watch them. In reaction, after these mistakes, the administration has demanded billions of dollars for constructing border fences, seeking to develop and to deploy surveillance technologies, and adding troops along our borders. Now in doing this, we have snared some illicit drug shipments, we have snared a few criminals. We have not picked up many terrorists.

Nobody questions that any country has a right to protect its borders, as we do to protect ours, but we should do it sensibly and intelligently. Instead, the administration's policy threatens to fray the social fabric of countless communities that straddle the border. They have needlessly offended our neighbors, they have sacrificed much of the traditional good will we have enjoyed, and they have undermined our own economy in border States. Local chambers of commerce along the border estimate that the costs of the administration's plans will amount to hundreds of billions of dollars and, I might say, the loss of thousands upon thousands of American jobs.

I have heard from many Vermonters about problems they have encountered at U.S. border crossings, from long traffic backups to invasive searches

and questions, to inadequate communications from Federal authorities about new facilities and procedures. Such a top-down approach does not work well in interwoven communities along the border where people cross daily from one side to the other for jobs, shopping, and cultural events.

I live an hour's drive from the Canadian border. Traditionally in my State, as in most border States, people go back and forth all the time. Many of us have family members in Canada. We have enjoyed an over 5,000-mile-long unguarded frontier. Canada has been an important trading partner. It has been a friendly neighbor not only to Vermont but to the rest of the United States for more than 200 years. It is in the best interest of both of our countries to keep those relationships as positive and productive as possible. Post 9/11, everyone on both sides of the border recognized the potential threat and security needs. We have hardened security around the U.S. Capitol, hardened it around the White House, and built fences near San Diego. But those procedures do not work on Canusa Avenue in Beebe Plain, a two-lane road where one side of the road is Vermont and the other side is Quebec. That is actually true. This is a street, an avenue. On one side, you are in Vermont; on the other side, you are in Quebec. What are we going to do, put an enormous barrier down the middle of the street? People are used to going back and forth to their neighbors to borrow a cup of flour or something such as that. Are they going to take two hours to go through some kind of an unnecessary, baseless search?

And we have the Haskell Free Library and Opera House in Derby Line, VT, and Stanstead, Quebec. The library and opera house is half in Derby Line, VT, half in Stanstead, Quebec. It straddles the international border. Mr. President, I invite you to come see that some time. It is a beautiful piece of architecture.

That is why I am so troubled by the so-called Western Hemisphere Travel Initiatives, which would require individuals from the United States, Canada, Mexico, and the Caribbean to present passports or other documents proving citizenship before entering the United States. This is a dramatic change in the way border crossings have been processed in the western hemisphere since the Treaty of Paris set up the international boundary to Canada in 1783. That is already costing us greatly.

The Departments of State and Homeland Security have been charged with implementing this law. They should be coordinating their efforts with our neighbors in Canada, Mexico, and the Caribbean to ensure a smooth transition at our borders. Unfortunately, as I detailed to Secretary Rice and Secretary Chertoff on several occasions, there are serious problems in the ways in which their agencies have pushed forward with implementation of the

Western Hemisphere Travel Initiative, before any of the necessary technology installation, infrastructure upgrades, or training takes place in our border stations. If these critical features of deployment are not in place, we are going to see severe delays at our border, and law-abiding citizens from the United States, Canada, Mexico, and the Caribbean will have great difficulties moving between our countries. Most importantly, a hasty implementation without assurances that the technology to be used is truly effective can actually result in a less secure border.

Month after month, and despite hearing after hearing, the Department of Homeland Security, one of the least functional Departments in our Government, and the Department of State has highhandedly rushed to impose this new border crossing plan on the American people before they are ready with the necessary technology, infrastructure, and training, and at every step their rosy assurances to the Congress and the American people have been wrong. The administration's record on implementing the new passport program is clear, and it has been abysmal. Hundreds of Vermonters have been calling my office for assistance in salvaging their travel plans. I know that Americans from other States have experienced high levels of concern and problems as well. We have been doing what we can, passport by passport, but a large backlog persists.

The huge passport backlogs prompted by the launch of DHS's requirement for air travel passports earlier this year are just a taste of the chaos that is likely next summer when they want to start enforcing passport checks at our land and sea borders. DHS, which has difficulty implementing most of their programs, said it will be very easy; look how well it is working for those who are flying to have the passports. They had press conferences, they had announcements, they got their talking points in the press on how well it is working. And then, within weeks, they had to pull it back. Why? Because it was not working. They did not have anything in place to make it work. And that is only about 5 to 10 percent of the actual traffic that will go across these borders. Well, think what is going to happen next summer when they start enforcing passport checks at our land and sea borders. If they cannot handle the small percentage, what is it going to be like when they have to do it for 100 percent?

I have been urging the State Department and the Department of Homeland Security not to rush into establishing rules and procedures that shut our borders to legitimate travel and trade and, instead, work with our neighbors, coordinate with our neighbors on security plans that might actually work. We can be smarter and more effective, rather than arrogantly insulting our traditional friends in Canada and Mexico. We have worked with them on joint intelligence operations to iden-

tify and target terrorists. I would much rather see, instead of wasting tens of billions of dollars on a program that is not going to work, lose hundreds of billions of dollars in jobs in America, that we spend a tiny fraction of that talking about our northern border now, working with our friends in Canada, and do a better job of intelligence and identifying possible terrorists.

Unfortunately, my calls and the pleas from border communities from Maine to Alaska—for that matter, from California to Texas—have been largely ignored. This administration is setting the American people up yet again for a fiasco of failure and frustration.

Since DHS and State keep saying WHTI is a congressionally mandated program, they should stop opposing the bicameral and bipartisan flow moving through Congress to shift the new requirement to June of 2009. They have been warned repeatedly that they are not ready. Even the fresh embarrassment of this passport debacle does not humble these arrogant purveyors of a failed program. In the memorable words of President Bush: They are doing a "heck of a job." The incompetence that led to the human and economic tragedy of Katrina and its aftermath, a tragedy that has not been rectified for more than 2 years, is striking again. By maintaining the fiction that they will be ready to implement the largest phase of this program next January, they are recklessly risking the travel plans of millions of Americans, but they are also risking the economies of scores of States and communities.

Today is September 10. Tomorrow is the sixth anniversary of the attacks. I remember that day so well, being right here in Washington. The administration's failure to prevent those attacks, to connect the dots, to take seriously the warnings of Richard Clarke, to listen to FBI field agents in Minnesota and Arizona, all because of the pre-eminence of its ideological agenda, is no longer subject to denial. Those failures before 9/11 are no excuse to indulge in authoritarian excesses now and in the future.

When we sacrifice our freedoms, Americans lose and the terrorists have taken from us what they cannot by force of arms. As we commemorate the sacrifices of so many that took place 6 years ago tomorrow, we need to rededicate ourselves to American principles and values.

In the days ahead, the Judiciary Committee will be holding a series of hearings into important security matters. Today I am writing to the Director of National Intelligence inviting him to join us on September 25 for a hearing into warrantless surveillance of Americans.

I am not convinced that the sweeping scope and lack of checks and balances in the recently enacted temporary amendment to the Foreign Intelligence Surveillance Act are necessary to ad-

dress the national security concerns the administration had identified. As elected representatives of the American people, we need to consider whether there are more effective mechanisms to ensure appropriate oversight of surveillance involving U.S. persons. We need to restore the proper balance in order to maintain our security while preserving the constitutional rights of Americans and providing appropriate oversight of executive action involving private communications of Americans.

Just this past weekend, we saw reports indicating that the President's surveillance program of Americans was much more extensive than he had led us to believe. The New York Times reported that the FBI was not just concerned about known or even suspected al-Qaida operatives, as the President spokespeople repeated over and over since the programs became known in December 2005, but with casting a much wider net for information about what they termed a "community of interest." We need to examine how far this so-called link analysis has gone, how far down the daisy chain it has gone, what use was made of the private call information, and whether private information of innocent Americans has been collected and retained in Government databases without any authorization. How many innocent Americans who called someone else, who may have had some innocent contact with someone else, are now in a Government database and suddenly wonder why they didn't get a job promotion or why their child wasn't able to get a student loan? It is telling that as this story became public—this always happens only when it becomes public—the FBI responded by saying that this data is "no longer being used" and, of course, "was used infrequently." Is the administration nonetheless going to prevent Congress from obtaining the information it needs to provide appropriate oversight? Will our patriotism be threatened anew if Congress seeks to examine the administration's overreaching and ineffectiveness? I hope not, but we will have to see. The very first hearing we held before the Senate Judiciary Committee this year was on data mining. With the leadership shown by Senator FEINGOLD, we have passed a reporting requirement on Government data mining. Now we need to follow up and get the information we need and exercise oversight authority.

The first week in October, we are looking forward to hearing from Professor Jack Goldsmith, who served at a critical juncture in 2004 as the Assistant Attorney General for the Office of Legal Counsel to the Department of Justice. In that capacity, he considered the constitutional underpinnings of the President's program of warrantless wiretapping and helped lead the way to changes in that clandestine surveillance affecting the rights of every single person in this Chamber and all other Americans.

This past week, we were reminded yet again of the need to improve the operations of the Terrorist Screening Center, which failed to make watch list records of suspected known terrorists available to front-line screening agents but continues to list the names of innocent Americans in its watch list database. I won't go through all of the stories that come out of some of these things: a year-old child having to get a passport to fly and prove they are not a 45-year-old terror suspect or one of the most senior Members of the Senate being blocked 10 times from taking a flight he has been taking for 30 or 40 years because he is on a terrorist watch list. Somehow, they got the names mixed up. We saw a recent Government Accountability Office report on the Department of Homeland Security with its failing grades, having failed to achieve half its performance expectations since 2003. If you or I in college were to get a 50 or less on all our exams, we would be out on our ear in a moment. This is what we have seen from the Department of Homeland Security. We heard from an independent commission and former military leaders who indicated the Iraqi police force is so riddled with corruption and sectarianism that they should be disbanded, and after 4 years and hundreds of millions of American taxpayer dollars, we should start over from scratch. We can't even find half the weapons we have given them until they turn up in terrorist hands. But we send these hundreds of millions of dollars to the Iraqi police force and we tell the police in America: We have to cut out the COPS Program. We don't have money for our American police. We can't afford to improve our American police because we have to send hundreds of millions of dollars to the Iraqi police. If I have to call a police officer, I am going to call an American police officer. I would like to know that some of that money was spent on them.

This past week also provided a reminder of the need to refocus our efforts on bin Laden. Six years after 9/11, he has not been brought to justice but continues to taunt us. He should never have been allowed to escape when our forces had him cornered in Tora Bora. One of the greatest mistakes of this administration—not counting the great mistakes made before 9/11—was withdrawing our special forces and not providing the support needed. That was another mistake driven by ideology. Think how much better it would be today had they actually succeeded in the one thing the whole Congress agreed on—to go and get bin Laden. They failed. The bipartisan leaders of the 9/11 Commission are right that the occupation of Iraq has provided a recruiting bonanza for al-Qaida and a costly distraction. Iraq, a country that didn't have al-Qaida, is now a recruiting bonanza for them. We need to be smarter and more focused in countering terrorism.

How many costly mistakes are the American people going to be asked to

bear? I hope all Senators, Republicans and Democrats, will join together in the days ahead as we did 6 years ago, when so many of us stood on this floor and joined hands to do the things that needed to be done. The American people deserve a government that works and that works for them. American freedom and values need to be defended and reinforced, not mortgaged to fleeting and ill-considered promises of security.

#### TRIBUTE TO FORMER SENATOR DANIEL BREWSTER

Mr. CARDIN. Mr. President, the State of Maryland and the United States lost a brave and committed public servant last month. Former Senator Daniel Brewster, who served in this esteemed Chamber during the 1960s, died of cancer on August 19.

Few Americans have the political ancestry of Senator Brewster, who was a direct descendant of Ben Franklin and the former Attorney General for President Chester Arthur. Public service came naturally to this man, whose life and work showed his commitment to our country. He first gave to this country through his military service as a decorated war hero, wounded seven times during his service in Guam and Okinawa. Then he served as an elected official for 18 years. He served in the Maryland House of Delegates starting in 1950, was elected to the House of Representatives in 1958 and then to the Senate in 1962.

Senator Brewster first came to politics as an advocate for civil rights. In his own Baltimore neighborhood, neighbors complained when he invited African-American servicemen from World War II to his home. This was an outrage to him. He would never slight a person, particularly soldiers who had courageously served to defend the American flag. Senator Brewster went on to cosponsor the Civil Rights Act of 1964, forever changing the course of history in this country.

Senate Brewster represented much of what is great about public service: a desire and commitment to make this country better and stronger for every American, black and white, rich and poor, farmer and businessman.

Senator Brewster had some very trying times in his life: First, at the age of 10 when his father died; then when he was beset with personal struggles in the very public forum of public life. The lesson he left for all of us is one can rise above adversity, even in the face of trying times, and continue to serve the people of this great Nation. He did that and left this country and this Congress with a lasting legacy of accomplishments.

He left another legacy quite apparent today, introducing some of our country's strongest leaders to the world of politics. House Speaker NANCY PELOSI and House Majority Leader STENY HOYER both started their political careers working for Senator Brewster.

I am personally indebted to Senator Brewster for the wisdom and advice he shared with me as a newly elected Senator. This past spring, he, along with former Senators Joe Tydings and Charles Mathias, Jr., met with me to share their insights. For this, I am forever grateful.

Senator Brewster and his wife Judy Lynn had five children: Gerry, who served in the Maryland legislature, Daniel, Jr., Dana, Danielle, and Jennilie. On behalf of the citizens of Maryland and this body, I wish to extend our sincere condolences to Senator Brewster's family. He will be missed by all.

#### CONGRATULATING DR. BILLINGTON

Mr. DURBIN. Mr. President, an important anniversary will be marked on September 14, at the Library of Congress. Twenty years ago, in the Great Hall of the Thomas Jefferson Building, then-President Reagan presided over the swearing-in of Dr. James H. Billington as the 13th Librarian of Congress.

When he was appointed, Dr. Billington brought great expertise to the Library, both as the world's premier scholar of Russian culture and history and as director of the Woodrow Wilson International Center for Scholars. His vision, and the hard work of so many dedicated Library staff members, has led to continued growth of the Library of Congress. He has fulfilled the promise made on September 14, 1987—to make the riches of the Library more broadly available to ever widening circles of our society.

At the time, Senator Wendell Ford remarked that the Library of Congress "represents our nation's commitment to a knowledgeable citizenry." Dr. Billington has upheld that commitment by enhancing the Library and making its riches and inspiration available to all Americans. Under his leadership, the Copyright Office, the Law Library, the Congressional Research Service, and the National Library have seamlessly worked together to build the collections and preserve them for future generations.

The Library's accomplishments of the last two decades are extraordinary. The collections have expanded by 50 million items, and state-of-the-art facilities have been built to ensure their long-term preservation. The establishment of the Kluge Center for Scholars and the Kluge Prize for Lifetime Achievement in the Human Sciences have enriched not only the scholarly life of Washington but also have enabled Members of Congress to meet thought leaders and benefit from their perspectives. Also, the Library was a pioneer in online collections and services, launching American Memory, THOMAS, the World Digital Library and resources for teachers, students and families across the Nation and world.