deal with the greatest terrorist threat to our country. We must deal with that threat, and we must deal with it on an urgent basis.

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. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.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. CORNYN. Madam President, how much time remains in morning business?

The PRESIDING OFFICER. Morning business extends until 3 p.m., and Senators may speak for up to 10 minutes each.

Mr. CORNYN. Madam President, I ask unanimous consent to speak for up to 15 minutes. I will yield back time if I don't need all of that. I also ask unanimous consent that Senator WEBB be recognized following my remarks.

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

AMENDMENTS TO S. 4

Mr. CORNYN. Madam President, I want to speak briefly on four different amendments that are pending to the 9/11 bill that is on the Senate floor. First of all, I want to talk about the issue of homeland security grant funding. Today, I will join with my colleague, Senator DIANNE FEINSTEIN of California, and several other colleagues and ask that this amendment be accepted. It stands on the principle that the limited funds that are available from the taxpayers' pockets to pay for homeland security be prioritized based on security concerns and not divvied up based on porkbarrel politics.

I realize the first instinct, perhaps, of a body that represents as diverse a nation as ours, with 50 States, is to take whatever amount of money there might be for any particular project and figure a way to divide it up 50 ways.

We know our security risks are not based on that sort of structure or approach, and it is important that we do try to take the limited resources we have available for homeland security grant funding and allocate them on a risk-based approach.

This approach is pretty simple. It is so simple and so commonsense, it strikes me as unusual that it has not already been embraced by the Congress. It is simply a system that will protect our most vulnerable assets and populations, one that recognizes the need to protect the critical infrastructure and vital components of our national economy. It is vital that we better allocate our limited resources to the most vulnerable places in the country that we need to protect, and that these funds be distributed in an efficient and timely manner.

The principle upon which this risk-based funding is premised has three main criteria: threat, vulnerability, and consequence. That is, what is the greatest threat to our country? What is the greatest vulnerability in terms of if there was a successful attack against our Nation's infrastructure, what infrastructure would be the most vulnerable and have the greatest negative consequence on our country?

It requires States to quickly pass on Federal funds to areas where they are most needed as well and provides greater flexibility using these funds and that they be done consistent with federally established capability standards.

This amendment would allow States to retain authority to administer grant programs, but there are penalties to States that do not pass funds on to local governments within 45 days. If a State fails to pass the funds through, local governments may, under this amendment, petition the Department of Homeland Security to receive those funds directly.

This is an attempt to respond to one of the concerns I hear in my State from local governments and local authorities that are dependent on the State government to actually pass the funds through. In fact, despite the good work this body did on issues such as Hurricane Katrina and Hurricane Rita relief, we find that a lot of the funds that have been appropriated by Congress are simply bogged down in the bureaucratic structure when it moves from the Federal Government to the State government on to local governments.

So this amendment, which I hope our colleagues will support and which will actually result in a net increase in funds to 70 percent of the States, is based on two fundamental premises. One is that we ought to allocate those limited funds based on risk, vulnerability, and consequence, and that we ought to then try to get the money to the local officials and the local persons who need it most and to break it out of this bureaucratic structure that too often delays funds getting to the people who need it most quickly.

I also have offered an amendment separately, amendment No. 312, about which I wish to speak briefly. This is a terrorism recruiting prohibition and penalty that is lacking under our current law. We know it has been more than 5 years since we were attacked on September 11. It is important, as time works to ease the pain on that terrible day, that we in Congress ensure we are providing every possible tool to prevent another terrorist attack on American soil. We have made significant progress in updating our law enforcement and intelligence agencies, enabling them to better protect us at home and abroad, but there is still a lot we need to do.

One area we must address and is addressed by this amendment is the issue of terrorist recruiting.

The FBI and other agencies of the Federal Government have made it clear that al-Qaida and other terrorists are intent on striking us again. We know from the 9/11 report that al-Qaida is patient and willing to wait years to take advantage of an opportunity to attack us, and in the meanwhile, they carefully formulate how they will carry out their plan. According to congressional testimony, terrorists and terrorist sympathizers are seeking to recruit people within the United States. Of course, their goal is to find individuals who do not fit the traditional terrorist model who are willing to engage in terrorism. Recruiting these individuals who blend easily into our society provides al-Qaida and other terrorists an operational advantage.

This is not, however, an academic discussion. Let me use one example of why I believe this amendment should be adopted.

Intelligence documents regarding Khalid Shaikh Mohammed—the so-called mastermind behind 9/11—reveal that he was running terrorist cells in the United States. These documents also show that it was al-Qaida's goal to recruit U.S. citizens and other westerners who could move freely in the United States. They targeted mosques, prisons, and universities throughout the United States where they could identify and recruit people who they thought might be sympathetic to their cause and then persuade these individuals to join their terrorist organization.

Currently—and this is a shocking fact—we have no statutes specifically designed to punish those who recruit people to commit terrorist acts. The amendment I am offering would remedy this serious gap in our law. My amendment simply provides that it is against the law to recruit or, in the words of the amendment, ''to employ, solicit, induce, command, or cause'' any person to commit an act of domestic terrorism, international terrorism, or Federal crime of terrorism, and any person convicted of doing so would face severe punishment. This amendment would also provide that anyone committing this crime would be punished for up to 10 years in Federal prison. If death of an individual results, he or she would be punished, on a finding and conviction of guilt, to death or any term of years or for life. If serious bodily injury to any individual results, the punishment would be no less than 10 years or for no more than 25 years.

I believe this is a commonsense amendment designed to fill a serious gap in our Criminal Code that should not exist any longer, certainly not this long after 9/11. I urge my colleagues to support this amendment.

I have also offered amendment No. 311, which is one that is not unfamiliar to Members of this body. I offered this amendment during our immigration debates last year. It is one supported by the Department of Homeland Security because this amendment, which received bipartisan support last year, will remove current litigation barriers impeding the ability of the Secretary of Homeland Security to do his job;

that is, enforce the immigration laws, especially as they are related to apprehension, detention, and expedited removals of illegal aliens.

We know one of the most obvious symbols of the Federal Government's failure to deal with our immigration problem and our broken borders is the now repudiated catch-and-release program where, because of lack of adequate facilities to detain individuals, particularly coming from countries other than Mexico, they were often caught and then simply released on their own recognizance and asked to return for a deportation hearing at a later time. Unsurprisingly, the vast majority of these individuals did not appear for their deportation hearing but merely melted into the landscape.

In this particular instance, this amendment is designed to address a particular court-ordered permanent injunction issued in an immigration case 19 years ago. This is the Orantes case. This Orantes injunction has hindered the Department of Homeland Security to promptly remove, immediately after apprehension, Salvadoran illegal aliens.

While Secretary Chertoff has made great strides in increasing the number of illegal aliens from countries other than Mexico detained for removal along the southwest border and recently ended catch-and-release at the border, the limitations contained in this injunction still impede the enforcement efforts of the Department of Homeland Security.

Similarly, other longstanding injunctions have not only impeded the ability of the Department of Homeland Security to enforce our immigration laws but have also consumed vast amounts of resources and, in some cases, are now inconsistent with intervening changes in the law.

This amendment does not eliminate injunctive relief but only requires that injunctions be drawn narrowly and not unnecessarily impede the enforcement of our immigration laws. Congress enacted comparable legislation narrowing the basis for injunctive relief in the Prison Litigation Reform Act of 1995, and that legislation has been upheld by the Supreme Court.

This amendment would simply require that courts narrowly tailor injunctive relief orders against the Government in immigration cases. Courts must limit relief to the minimum necessary to remedy the violation; adopt the least intrusive means to remedy violations; minimize the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and finally, provide an expiration date for injunctive relief.

This amendment would provide that preliminary injunctive relief would expire in 90 days from issuance of an order unless the court makes findings that permanent relief is required or makes the order final before the 90-day period.

This amendment would also require courts to rule promptly on all Government motions to eliminate injunctions in immigration cases.

If we are serious about creating an immigration law that will actually work, then we have to eliminate 19-year-old impediments, such as the Orantes injunction, to our ability to end once and for all the failed policy of catch-and-release when it comes to illegal immigration. I hope my colleagues will vote favorably for amendment No. 311, which will end this particular impediment, now 19 years old in the Orantes case.

The last amendment I have is amendment No. 310, known as the Zadvydas amendment because this amendment will strengthen the Government's ability to detain criminal aliens, including murderers, rapists, and child molesters, until they can actually be removed. This amendment arises out of a decision handed down by the U.S. Supreme Court—it is not a constitutional decision; it is merely based upon a statute, one which Congress can fix and which my amendment will fix. But this decision in June of 2001 simply provided that unless there is a reasonable likelihood that a criminal alien who is being held by the Government will actually be repatriated to their government within a given period of time, failing that, they must be simply released and cannot be held any longer by the U.S. Government. Although the Government has authority to detain suspected terrorists, under this decision, it has only limited authority to detain criminal aliens who have been ordered removed.

Under the Zadvydas decision, the Federal Government has had to release hundreds of dangerous illegal aliens into the American population. Among them is Carlos Rojas Fritze, who sodomized, raped, beat, and robbed a stranger in a public restroom and called it ''an act of love.'' Tuan Thai, who repeatedly raped, tortured, and terrorized women and vowed to repeat his crimes and who also threatened to kill his immigration judge and prosecutor, was likewise released because under this decision he could not be held pending repatriation to his country of origin.

Guillermo Perez Aguilar, who repeatedly committed sex crimes against children and was arrested for possession of a controlled substance, is also an example of an individual who had to be released into the American population because he could no longer be held under our immigration laws pending repatriation because of the Zadvydas decision.

The list of criminal offenders such as these is long, and it is simply unacceptable that these individuals can roam freely in American society because of the way our current laws are interpreted.

Zadvydas and Suarez Martinez, which is another case following the Zadvydas case, were simply statutory holdings, not constitutional holdings. As I mentioned a moment ago, Congress has the power—and, I would argue, the duty—to address these perils to our security by amending the Immigration and Naturalization Act. Indeed, in the Zadvydas opinion, the Court invited Congress to revisit the statute.

Another anomaly created by a recent decision out of the Ninth Circuit is a view that the Department of Homeland Security cannot even detain aliens during removal proceedings. Neither the Zadvydas nor the Suarez Martinez decision made any pronouncements on the Department of Homeland Security's authority to detain an alien prior to removal proceedings being completed and a removal order issued.

My amendment, which will essentially cure the defect found by the Supreme Court in the Zadvydas case, will clarify that an illegal criminal alien can be detained while removal proceedings are ongoing. Finally, it will provide that judicial review of ongoing detention, as with post-order detention, remains available in the U.S. District Court for the District of Columbia via habeas corpus proceedings. In other words, there will be periodic administrative review of the detentions and an opportunity for judicial review via habeas corpus in the U.S. District Court for the District of Columbia, which should address any constitutional concerns about indefinite detentions.

It is simply unacceptable that we should stand by and fail to act on this serious threat to public safety in this country, and this sort of inaction, when it comes to immigration, I think seriously undermines American confidence in their Government. What government would stand by and allow these dangerous criminal aliens to simply be released into the American heartland when their country of origin has refused or perhaps only delayed the repatriation of these individuals back to their country of origin?

We can fix this mistake and this great danger to America's national security by adopting this amendment.

I thank the Chair, and I yield the floor.

Mr. WEBB. Madam President, I ask unanimous consent to speak for up to 15 minutes in morning business.

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

(The remarks of Senator WEBB pertaining to the introduction of S. 759 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The galleries will refrain. It is not appropriate to show signs of appreciation.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

IMPROVING AMERICA'S SECURITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

Pending:

Reid amendment No. 275, in the nature of a substitute.

Sununu amendment No. 291 (to amendment No. 275), to ensure that the emergency communications and interoperability communications grant program does not exclude Internet Protocol-based interoperable solutions.

Salazar-Lieberman modified amendment No. 290 (to amendment No. 275), to require a quadrennial homeland security review.

DeMint amendment No. 314 (to amendment No. 275), to strike the provision that revises the personnel management practices of the Transportation Security Administration.

Lieberman amendment No. 315 (to amendment No. 275), to provide appeal rights and employee engagement mechanisms for passenger and property screeners.

McCaskill amendment No. 316 (to amendment No. 315), to provide appeal rights and employee engagement mechanisms for passenger and property screeners.

Dorgan-Conrad amendment No. 313 (to amendment No. 275), to require a report to Congress on the hunt for Osama bin Laden, Ayman al-Zawahiri, and the leadership of al Qaida.

Landrieu amendment No. 321 (to amendment No. 275), to require the Secretary of Homeland Security to include levees in the list of critical infrastructure sectors.

Landrieu amendment No. 296 (to amendment No. 275), to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Landrieu amendment No. 295 (to amendment No. 275), to provide adequate funding for local governments harmed by Hurricane Katrina of 2005 or Hurricane Rita of 2005.

Allard amendment No. 272 (to amendment No. 275), to prevent the fraudulent use of Social Security account numbers by allowing the sharing of Social Security data among agencies of the United States for identity theft prevention and immigration enforcement purposes.

McConnell (for Sessions) amendment No. 305 (to amendment No. 275), to clarify the voluntary inherent authority of States to assist in the enforcement of the immigration laws of the United States and to require the Secretary of Homeland Security to provide information related to aliens found to have violated certain immigration laws to the National Crime Information Center.

McConnell (for Cornyn) amendment No. 310 (to amendment No. 275), to strengthen the Federal Government's ability to detain dangerous criminal aliens, including murderers, rapists, and child molesters, until they can be removed from the United States.

McConnell (for Cornyn) amendment No. 311 (to amendment No. 275), to provide for immigration injunction reform.

McConnell (for Cornyn) amendment No. 312 (to amendment No. 275), to prohibit the recruitment of persons to participate in terrorism.

McConnell (for Kyl) amendment No. 317 (to amendment No. 275), to prohibit the rewarding of suicide bombings and allow adequate punishments for terrorist murders, kidnappings, and sexual assaults.

McConnell (for Kyl) amendment No. 318 (to amendment No. 275), to protect classified information.

McConnell (for Kyl) amendment No. 319 (to amendment No. 275), to provide for relief from (a)(3)(B) immigration bars from the Hmong and other groups who do not pose a threat to the United States, to designate the Taliban as a terrorist organization for immigration purposes.

McConnell (for Kyl) amendment No. 320 (to amendment No. 275), to improve the Classified Information Procedures Act.

McConnell (for Grassley) amendment No. 300 (to amendment No. 275), to clarify the revocation of an alien's visa or other documentation is not subject to judicial review.

McConnell (for Grassley) amendment No. 309 (to amendment No. 275), to improve the prohibitions on money laundering.

Thune amendment No. 308 (to amendment No. 275), to expand and improve the Proliferation Security Initiative while protecting the national security interests of the United States.

Cardin amendment No. 326 (to amendment No. 275), to provide for a study of modification of area of jurisdiction of Office of National Capital Region Coordination.

Cardin amendment No. 327 (to amendment No. 275), to reform mutual aid agreements for the National Capital Region.

Cardin amendment No. 328 (to amendment No. 275), to require Amtrak contracts and leases involving the State of Maryland to be governed by the laws of the District of Columbia.

Mr. LIEBERMAN. Mr. President, we return now to S. 4, Improving America's Security Act. This is the legislation that emerged from the Homeland Security Committee in response to the appeals of the members of the 9/11 Commission, and others, to finish the job we began with the previous 9/11 legislation we adopted. We made some progress last week in the first two days of consideration of the bill. We will have a vote sometime tomorrow on the motion to strike the provision of the bill that would give equal rights to transportation security officers at the TSA. We will begin debate sometime this afternoon on alternative proposals to those presented in S. 4 for distributing homeland security grant funds. We have important matters to debate and vote on in the next few days.

I know Senator REID and, I hope, Senator MCCONNELL want to finish this bill—that is, to bring it to passage—by the end of this week. I remind colleagues that S. 4 was reported out of the Homeland Security Committee on a strong nonpartisan vote, 16 to 0, with one member abstaining.

I thought, as we return to the consideration of S. 4, I might go back to a hearing our committee held on January 9 to consider this legislation, particularly to draw from the testimony of three of the witnesses before the committee that day, three women who lost loved ones on September 11, 2001. This is a way, before we get into the details of the bill, to remind ourselves why this legislation is before us and what it is all about. Those three women who testified before our committee on that day, shortly after the 110th session of Congress convened, were Mary Fetchet, Carol Ashley, and Carie Lemack.

These three women, as many Members know because we have come to know them, have worked tirelessly in the last five and a half years to take their grief, their loss, and bring it into the public square, to the Congress, to the place where laws are made, to do everything in their power to ensure that the tragic losses they suffered on that day would not have to be suffered by any other American in the future.

Their work produced the 9/11 Commission itself. It was a tough battle to actually create the 9/11 Commission. People were defensive. They didn't want it to be done by an independent commission. They wondered why it was necessary. But with the help of these women, we won that battle. Then when the Commission reported in 2004, we worked very hard with their help to adopt most of the recommendations of the Commission by the end of that year. This included the creation of the Director of National Intelligence to coordinate all of our intelligence, so we can now connect the dots to stop a terrorist act before it occurs; and the National Counterterrorism Center, which is now up and running and doing the same.

The statements of Mary Fetchet, Carol Ashley, and Carie Lemack at our Committee's hearing explain the importance of the legislation, S. 4, that is now before the Senate, and particularly the responsibility we in Congress have to continue the unfinished work of implementing the recommendations of the 9/11 Commission and of fixing the inadequate implementation of some of those recommendations or other gaps we have discovered since in our homeland security.

I want to talk about these three brave, patriotic women one by one, describe briefly who they are, and then quote from their testimony.

Mary Fetchet lost her son Brad, age 24, in Tower 2 of the World Trade Center on September 11. She is the founding director of the group called Voices of September 11th. At our hearing on January 9, Mary testified as follows:

I have made a personal commitment to advocate for the full implementation of the 9/11 Commission recommendations driven by the ''wake-up'' call when my son was senselessly murdered by terrorists on 9/11. It is my personal belief that almost six years later our country remains vulnerable, and although some progress has been made, much work remains ahead. We collectively—the administration, Congress, government agencies and interested individuals—have a