I went home to the State of Washington and talked to some of our soldiers who were in medical hold at one of our facilities in Washington State. I invited anyone who would like to come. I expected maybe a dozen, two dozen men and women to come over and talk to me. Over 200 showed up, expressing anger, frustration, and telling story after story after story of long delays in getting their disability ratings, in being unable to get their lives put back together, in not being diagnosed correctly.

Well, I am proud the Senate, in a few short months, has stood up and said: Not on our watch. Not anymore. This morning, in passing the Dignified Treatment of Wounded Warriors Act, we are moving forward in an aggressive way to make sure the men and women who have served our country so honorably are treated well when they come home. We are making sure those men and women who were asked to fight a war for this country, no matter how we felt about that war personally, those who went to the war and fought for our country don't have to come home and fight their own country to get the health care they so deserve and should get without having to fight someone for it.

This Senate acted in an aggressive way. Two of our committees, the Veterans' Affairs Committee, headed by Senator AKAKA, and the Armed Services Committee, headed by Senator LEVIN, in a bipartisan way, put together, for the first time, a historic joint committee to bring in experts to talk to us about what the needs were and what we needed to do. From those excellent recommendations from that joint hearing, we worked together in a bipartisan way to craft legislation that would require the Secretary of Defense and the Secretary of Veterans Affairs to develop a comprehensive policy by January 1 of next year on the care, management, and transition of our servicemembers from the military to the VA, or to civilian life, so our brave men and women don't fall into that transitional trap between the DOD and the VA anymore and feel like they have come home and been lost.

This is critically important. It is an aggressive action that, for the first time, will require the Department of the Defense and the Department of the VA to work together. Soldiers, men and women, too often feel like when they are in the service—in the Army, in the Navy, in the Armed Forces—there is a completely different system that doesn't even talk to our VA, which has a totally different disability system. Their paperwork doesn't go back and forth between each regarding how they are rated as disabled. The Army is completely different than how they are rated by the Veterans Affairs Department. That means their care is not adequate, it means they are frustrated, it means they are angry, and we say: No more. We are requiring now the Secretary of Defense and the Secretary of Veterans Affairs to jointly come back to us with a policy that makes sense for this country's men and women who have fought for all of us.

In this legislation, we also dealt with enhanced health care for our men and women who have served us. Too often they find their health care cut off long before they are able to get back and get a job. We authorize disability ratings of 50 percent or higher to receive health care benefits for 3 years. For some of the family members of a spouse—husband or wife—who have been injured, they lose their own health care. So we make sure we aggressively move forward and not allow our families to be left without health care while their servicemember is being cared for at one of our medical facilities.

We also focus dramatically on TBI, traumatic brain injury, and post-traumatic stress syndrome, two significant wounds of this war. We establish new centers of excellence within the Department of Defense, one for TBI and one for post-traumatic stress syndrome. We require the Department of Defense to analyze soldiers so they do not go home and end up like the young man who told me he had been discharged from the Army and for 18 months was at home. No one asked him when he was discharged whether he had been around any kind of IED explosion in Iraq. No one asked him how he was doing. For 18 months, he sat at home in a rural community in my State and wondered why he could no longer talk to his friends; wondered why he couldn't remember what he learned in school a few years ago; wondered why, as a young man of 22, he felt his life had changed dramatically and he didn't know who he was anymore. Eventually, he tried to take his own life. That should not happen to a service man or woman who has served us honorably.

What happened to him has happened to many other soldiers who have served us in Iraq. He had been around not 1, not 5, not 20, but more than 100 explosions while he was on the ground in Iraq. As a result, he had severe traumatic brain injury that was not diagnosed when he left. No one asked him when he was discharged whether he was having any problems. No one followed up when he got home, to see if he was adjusting okay.

We say, no more. We say the Department of Defense looks at every soldier when they come in and when they leave, asks them what kind of action they have seen on the ground in Iraq, and follows up with them and gives them the care so they can perform and come back to normal life as quickly as possible. This is the least we can do.

It has taken the Senate just a few months to aggressively go after this, to pass a bill through committee, to bring it here to the floor of the Senate and, very importantly, the full Senate this morning supporting that legislation and passing it to the House, hopefully quickly to conference and to the desk of the President of the United States. That is what our soldiers deserve. I am sorry it happened 4½ years after this war started. It should have happened before this war started with the preplanning that I will not go into this morning that obviously we did not have. But I will say as a Senator who did not vote to go to war in Iraq, I have said consistently—no matter how we felt about that war then or how we feel about it today—that we have an obligation, as leaders of this country, to make sure the men and women who fight for us get the care they deserve. The passage of this bill today is part of that commitment, and I am very proud of the Senate.

Later this morning, the commission the President has put in place, the Dole-Shalala commission, will also come forward with their recommendations. I look forward to seeing what they have to say, but this Senate is not going to sit around and wait for a report from anybody. We are moving, and moving aggressively. I hope whatever recommendations come out in the Dole-Shalala commission report that we see today do not end up on a dusty shelf in the White House, as the 9/11 Commission recommendations did or as the Iraq study commission recommendations did. I hope the White House works aggressively to make sure these recommendations—both from Congress and from their commission—are put into effect because whatever laws we pass will only be managed efficiently and effectively and work if the White House joins us in a partnership to make this happen.

I wanted all of our colleagues in the Senate to know, and for the country to know, we are moving aggressively forward to make sure the men and women who serve us are served as well by this country, and I am proud of the action of the Senate this morning.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. The Senator has that right.

HOMELAND SECURITY APPROPRIATIONS

Mr. MENENDEZ. Mr. President, I am pleased to rise today to talk about a bill that I am proud of, and of which all Americans should be proud.

I first want to commend the esteemed chairman of the Appropriations Committee, Senator BYRD for his commitment to drafting a bill that is in our Nation's best interest. I also would like to convey my respect for Senator BYRD and the ranking member, Senator COCHRAN, for the exemplary bipartisan they have shown in negotiating this bill and bringing it to the floor.

The Homeland Security Appropriations bill that will be before us later

today is a clear indication that our priorities have changed. After years of neglecting key homeland security initiatives, this bill ends a trend that has been straining our first responders, forcing our States to come up with more, and leaving us more vulnerable than we should be 6 years after September 11.

This bill is part of a framework that we have created this year to restructure our priorities—and it is clear that homeland security is at the top of the list. I am proud of the levels we set in the budget resolution we passed earlier this year. As a member of the Budget Committee, one of my top requests to Chairman CONRAD was that we provide enough to the Appropriations Committee so that it could not just reject the President's cuts to key homeland security funding, but go above and beyond what has been funded in recent years. I thank Chairman CONRAD, for his commitment to homeland security funding in the budget resolution and for understanding what those funds mean to a State like New Jersey.

This year we have set the tone. The message is clear—when it comes to homeland security, the status quo just won't cut it. This bill says that loud and clear. By increasing overall funding by 8 percent over last year, we recognize that those on our front lines need our support. In this bill, they will get it.

For New Jersey, the funds in this bill mean the difference between having what we need to protect our high-risk areas and leaving our infrastructure vulnerable. The grants this bill provides means millions more for our ports to increase site security and implement key initiatives.

The increases for next year mean our fire departments will have the resources they need to hire new firefighters, to upgrade their equipment, and to reduce the long shifts far too many of them are working. The focus on first responder funding means our law enforcement will continue to have support to carry out key terrorism prevention efforts in our cities.

Perhaps most importantly, this bill does not take the approach that we can do what is minimally required and pretend that is enough. For all of the President's talks about how critical security at home is, for all the administration continues to warn us about how at risk we are for an attack, I am just dumbfounded because no matter where I look, I cannot find where he makes supporting our first responders a priority. No matter how hard I try, I cannot see how he expects our ports to be as secure as they should be 6 years after September 11. For all the reminders this administration likes to give the American people that we are at war, that we are vulnerable, that we must be vigilant, I do not see where we are matching that rhetoric with dollars.

This bill is about more than rhetoric. It is about providing what is needed.

I am proud that this bill rejects the President's cuts to first responders, and actually increases funding by $644 million. Nearly 6 years after September 11, would seem unfathomable that we would actually cut funding for first responders, but that is exactly what the President's budget called for.

In this bill, we provide more than $400 million than the President for firefighters. We increase funding for FIRE grants by $25 million more than last year so that fire departments can purchase new equipment. When nearly a third of firefighters are not equipped with a self-contained breathing apparatus or portable radios, I think there is no question that these funds are sorely needed. One of the grant programs I hear about the most, as I am sure do many members, is the SAFER grants. I have listened to firefighters from my State far too many times plead for the SAFER grants not to be cut. And yet, every year, this is a fight we have had to have with the administration. I truly hope this is the last year. These grants help departments increase their staff, often so they can cover more 24-hour shifts. Our bill increases funding by $13 million over last year.

I am also extremely proud of the direction this bill takes us for improving key grant funding to States and our most at-risk areas. This bill restores the two major grant programs, the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program, and increases funding for urban area security grants. For reasons I cannot explain, the President sought to cut State homeland grants in half, and practically eliminate the law enforcement grants.

For States like New Jersey, these funds are not just an added bonus—they are essential. These grants allow States to purchase equipment, train first responders, put in place response plans, and a whole host of other critical activities. By restoring cuts to these programs, officials in New Jersey will have the confidence that we are working to provide them every last dollar, and that we understand how critical this funding is.

Our bill also provides an increase for the Urban Area Security Initiative, the only fully-risked based funding of its kind, designed to help the most high-threat urban areas. I have spoken on this floor before about the unique threats that our UASI—Urban Area Security Initiative—region in northern New Jersey faces. As one of the most densely populated areas in the Nation, we face the complexity of populous neighborhoods nestled among high-profile infrastructure, including the largest port on the east coast, a major international airport, and a string of chemical plants—which makes up what is known as the ''2 most dangerous miles'' in America. When people back home hear that, they ask me what we are doing to protect that area, because those 2 miles are not isolated—thousands drive by it every day, and many live close enough to call it their backyard. When we pass this bill, I can tell them that yes, we are working to make more funding available, yes, we are addressing those areas most at risk.

Our bill also seeks to end the trend of pouring our resources into aviation security and spending pennies in comparison on rail, mass transit, port, and chemical security. This bill more than doubles funding for rail and transit security, and far exceeds what our past funding bills have done for port security. We provide $400 million for port security grants, a level which our ports have been calling for for some time.

Anyone who knows the Port of New York and New Jersey understands the daunting task of securing the perimeter of the port. The port is surrounded by storage facilities and warehouses, with waterways on one side, and a major highway and an airport on the other, and rail lines and a major pipeline running along side it. So, for a site as complex as our port, perimeter security is no easy feat.

Our Nation's ports have a long to-do list, and I guarantee you, every one of the improvements they want to make costs money. In the wake of the SAFE Port Act, which the President signed into law last year, our ports have even more requirements they are supposed to carry out. Yet the President did not call for any funding to implement these initiatives. Our bill does.

We double port security grants, to the level authorized in the SAFE Port Act.

We provide $15 million for the Coast Guard so they can increase the number of inspections at facilities, conduct vulnerability assessments, and develop long-range vessel tracking systems.

We provide $60 million for operational centers as called for in the SAFE Port Act that will help coordinate information sharing, intelligence gathering, and support cooperation among Federal, State, and local agencies.

And, we provide $15 million to help ports implement the TWIC port worker ID program, which has been delayed again and again. It is past time for us to have something as simple as uniform, technologically advanced ID cads for those workers at our ports.

This bill also contains a very short, but very crucial provision that is well known to people in New Jersey. It allows States to have more stringent chemical security standards. If you have ever been to Newark's Liberty Airport, than you were within a few short miles of the Kuehne plant in South Kearny, in a range that would without question be devastated by an attack at that facility. Because plants like this one are uniquely sandwiched between highways and neighborhoods, in an area that rises to the level of being called the ''2 most dangerous miles,'' New Jersey has taken action to make sure we are doing everything possible to keep these plants secure.

Because it is far ahead of the curve when it comes to chemical security, the notion that the Department of Homeland Security can issue regulations that could preempt New Jersey's, and possibly be weaker than our standards, turns logic on its head. The bottom line is, when it comes to the security of things uniquely New Jersey, like the location of this chemical plant, no one knows what we need better than our State. And that is the position that this bill takes. I applaud my fellow Senator from New Jersey, Mr. LAUTENBERG, for ensuring this language is part of this bill, and I thank Senator BYRD for realizing how essential preserving New Jersey's standards are for the future of chemical security.

When this Homeland Security appropriations bill is passed and signed into law, we will be able to definitively say we have passed legislation that makes us smarter and stronger when it comes to our Nation's security.

The bill ensures we are protecting, not neglecting, our critical infrastructure; our first responders have more, not less, to do their jobs; and our States will have the critical resources they deserve.

I urge all my colleagues to support this incredibly sound bill and take this important step to getting our homeland security funding where it should be in finally meeting the challenge of securing our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes as in morning business.

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

ATTORNEY GENERAL GONZALES

Mr. WHITEHOUSE. Mr. President, yesterday, as you will recall, in the Senate Judiciary Committee, Attorney General Gonzales appeared. I spoke with him about a seemingly simple concept, the impartial administration of justice.

But, as is so often the case with this administration and with this Attorney General, the simple is often confused, and what should be impartial is often tainted with politics.

I asked the Attorney General about the administration's policy regarding communications between staff at the Department of Justice and at the White House, about ongoing investigations and cases. This kind of conversation, of course, should be very limited in scope. Until recently, it was.

Attorney General Janet Reno wrote, in a 1994 letter to White House Counsel Lloyd Cutler:

> Initial communications between the White House and the Justice Department regarding any pending Department investigation or criminal or civil case should involve only the White House Counsel or Deputy Counsel (or President or Vice President), and the Attorney General or Deputy or Associate Attorney General.

That is seven people, total. Four in the White House, three in the Department of Justice.

As I pointed out to the Attorney General, this administration has dramatically expanded this policy to allow literally hundreds of people at the White House to discuss sensitive case-specific information with dozens of people at the Department of Justice. Even worse, a further revision to this policy signed by Attorney General Gonzales specifically added the Vice Presidents's Chief of Staff and the Vice President's Counsel, David Addington, to the list of those empowered to have these conversations. Karl Rove, by the way, is also on the list.

Why in the world would it be appropriate to give the Vice President's staff a green light to muck around in sensitive Department of Justice affairs? Based on my experience as a U.S. attorney, I can think of no reason.

So why did the Attorney General himself issue a memo specifically authorizing that? Well, the Attorney General himself seemed to have no idea. When I asked him about it yesterday, he said:

> As a general matter, I would say that that's a good question. I'd have to go back and look at this. On it's face, I must say, sitting here, I am troubled by this.

Well, Mr. Gonzales, I am troubled by this too. Troubled but, unfortunately, not surprised.

Not surprised because this administration has, at almost every turn, done everything possible to enhance the power of the President and the Vice President to dismiss Congress's essential constitutional oversight responsibilities, to disrupt the balance of power crafted by our forefathers and to thwart those who would stand up and say: Enough is enough.

But now a chorus of Senators is finally saying: Enough is enough.

When I ran for the Senate, I spoke often about the need for a check on the Bush administration's relentless abuse of power. Now, after having served in this great institution for only 6½ months, I feel more strongly than ever that it is vital for our Democratic majority to serve as an essential bulwark against an imperial executive branch.

Without 60 votes, we cannot get things done over objection from the other side as often as we would like. But with a majority, we can at least stop some of the mischief. We can stop them from politicizing everything from Government-funded scientific research to U.S. attorney's offices, Government functions that have historically operated entirely free of partisan influence.

We can spotlight their efforts to undo our system of checks and balances, their penchant for unneeded secrecy, and often, disregard for the law and our American principles.

We can call them out when they use national security as a shield against legitimate oversight and as a weapon against political adversaries, against attempts to conduct Government in secret and in darkness and sometimes in defiance of the law.

In the process, the administration has done grave damage to the principles and values that have made this country an example for the world. The writ of habeas corpus? Adherence to the Geneva Conventions? The independence of Federal prosecutors? The principle of judicial review? The notion that a citizen in a democracy has a right to know what their Government is doing in his name?

Each of these, in ways great and small, has been eroded by this administration. Then, when you think they cannot possibly push the envelope any further, they do. I am referring to two recent episodes: First, the Vice President's now infamous and incredible assertion that his office is exempt from an Executive order designed to protect classified information because it is not, get this, it is not an entity within the executive branch, and the Attorney General's apparent complicity with this theory.

Executive Order No. 12958, as amended by President Bush, regulates the classification, safeguarding, and declassification of national security information. It also requires the National Archives' Information Security Oversight Office to, among other things, conduct onsite inspection of Federal agencies and White House offices to ensure compliance with these important regulations.

Despite cooperating with the National Archives in 2001 and 2002, in 2003, the Vice President abruptly decided he was above complying with an Executive order, even one signed by President Bush.

Repeated attempts by the National Archives to secure the Vice President's cooperation or at least an explanation for noncompliance were met with silence and then, apparently, an effort to abolish the office that had dared try to enforce the law.

In the meantime, in January 2007, the National Archives referred the question to the Department of Justice for clarification, as to whether the Vice President is an executive branch entity required to comply with an Executive order. You might think that in 6 months the Department of Justice would produce a memo stating the Vice President must comply with Executive orders and that he is, in fact, as we all know, in the executive branch.

Well, you would be wrong. The Vice President makes an argument that would flunk an elementary school civics test so he may circumvent safeguards on national security information. The Attorney General goes along with this by refusing even to respond to a letter seeking clarification of the law, which is a core function of the Department of Justice Office of Legal Counsel.

What is going on here? Second, in this ignominious list is the President's