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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rabbi Solomon Schiff of the Greater Miami Jewish Federation, Miami, FL.

PRAYER

The guest Chaplain offered the following prayer:

Heavenly Creator, bestow Thy blessings upon those assembled here who have accepted the sacred responsibility to legislate within these hallowed halls of the United States Senate to preserve and to foster the noble ideals of our sanctified democracy.

Grant that these deliberations will be ruled by wisdom, purpose, and dedication. Thou, O Lord, have taught us through the words of the prophet Malachai: "Have we not all one Father? Hath not one G-d created us all? Why do we deal treacherously, every man against his brother?" Grant us the resolve to serve as Thy partners to eradicate anger, hunger, and bigotry from our human family. Imbue us with commitment to sow the seeds that will turn selfishness into civility, hatred into harmony, loathing into love, and bigotry into blessing. Help us always to work for the lost, the least, the last, and the lonely. May we remain committed to work with renewed energy to elevate the status and dignity of all of Thy children so that all can enjoy the blessings and benefits of our bountiful society. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning following my remarks, which will be brief, and any comments from the Democratic leader, we will have a 60-minute period for morning business, with the first 30 minutes under the control of the majority, and the last 30 minutes under the control of the Democratic side.

At the conclusion of morning business, we will resume consideration of the Homeland Security appropriations bill. Last night, we were able to reach an agreement which limits amendments to the bill, and although the list is much longer than we would like, I am hopeful many of the listed amendments will not be offered. As we continue discussion among ourselves and between both sides of the aisle, hopefully many of those amendments can be either addressed in another way or will not be offered at this point in time.

It is imperative for us in this body to stay focused on the safety and security of the American people, and this bill demonstrates that. We have worked very well together thus far.

I want to share with my colleagues the importance of staying focused on this bill. Let's move on with the amendments—we are on the amendments—and debate them in an expeditious way so we can finish this bill.

I previously stated we should finish the bill this week. Given the list of amendments which have appeared, we will, in all likelihood, go over into next

week. We absolutely must have as our goal and make it reality of finishing the bill in the early part of next week or prior to the Rosh Hashanah holiday. I know Members' schedules are fluid, especially at this time of year when people have so many demands back in their home States, as well as here. The schedules are challenging, but I ask everybody to work with the Democratic leader and myself in terms of the scheduling so we can have real movement on these bills and bring them to completion in as expeditious a way as possible.

On Fridays and Mondays, we will be in discussion to let people know exactly what the voting schedules will be. In large part, it depends on how much participation we get during the course of the day today and tonight and a day like yesterday. If everybody can help us, I think we will be able to complete this bill in an expeditious way with respect to everybody's schedules.

We will have a full day today and this evening. I would suspect, as we continue to make progress on the bill.

REFORM OF THE INTELLIGENCE COMMUNITY

Mr. FRIST. Mr. President, I very briefly want to speak to a meeting that the leadership, not just elected leadership but leadership and interested parties, both Democrats and Republicans, had yesterday with the President of the United States, with the Senate and House represented. It was a very good meeting.

The focus of that meeting was to discuss the President's views, his plans to reform the intelligence community. The focus of this body for a long time, but very specifically since the 9/11 Commission report recommendations were made, has been on the safety and security of the American people as it is reflected in the 9/11 Commission report and our study of that report.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Between the House and the Senate, over 20 different hearings were held during August. I thank our colleagues for working very hard in collecting information and assessing people's ideas and thoughts from experts from around the world—from around the country and around the world—on the recommendations that were made by the 9/11 Commission.

Our meeting yesterday was another step at the committee level and on the floor of the Senate, as we are on the Homeland Security bill and as we address other bills, and in meetings such as at the White House. There is a real bipartisan commitment to making progress, not a knee-jerk reaction but progress on intelligence reform.

The President discussed with us his plan to complete the reorganization of the executive branch, consistent with those recommendations of the 9/11 Commission. He asked for our support. He says he does expect legislation, recognizing that once we leave in October, we will have November and January when we are not in session, and it is important for this reorganization to take place.

I think there was clear support for what the President presented yesterday, a general consensus that we need to continue to move forward.

As I outlined on Tuesday, and as the Democratic leader and I outlined prior to the recess, immediately after the 9/11 Commission report, we have two arms in this body addressing the recommendations. First, in no particular order, but to look outside this body, what is going on in the executive branch, and that has been delegated to the appropriate committee of jurisdiction, the Governmental Affairs Committee, under the very able leadership of Senator COLLINS and Senator LIEBERMAN. They worked through August diligently collecting information on this assignment.

There are many committees of jurisdiction, and those committees have participated with the Governmental Affairs Committee. They will likely mark up specific legislation the week of September 20, and then that bill will be brought to the floor the following week.

The only reason I am that specific about days is to share with our colleagues the sense of urgency and the sense that we do not have that many legislative days.

What is in that bill specifically and how far it goes is really up to that committee, taking the very best from all of the committees and all of our colleagues in the Senate, as well as the advice of outside experts. That is one arm.

The other arm addresses the internal reform that really applies to two very important of the 41 recommendations by the 9/11 Commission, and that the Democratic leader and I have delegated to a task force that has been appointed to collect information and to discuss that information and to advise us how best to proceed.

Our majority and minority whips, Senator MCCONNELL and Senator REID, are representing the chairs of that task force; that is, to look at the best way the Senate should be organized in this newly transformed world, internal organization, committees, new committees, changing jurisdiction. It is a tough issue because in each case it involves a change where somebody has to give up something or, in their mind, they are giving up something.

The good thing about it is it is going to be bipartisan, working together. We are talking about the safety and security of the American people, and when people say this sort of task cannot be done in a highly charged political environment with Presidential races and races in this body, when it comes down to the safety and security of the American people and the appropriate oversight of the intelligence upon which that safety and security is protected, partisanship gets put aside.

We are on a very tight schedule. There is a lot to be discussed, a lot to be debated. I am confident that with the focus and with the bipartisan effort we will get this done.

Quickly, and it has been covered a little bit in the press today, the President's plan calls for a number of substantial changes. First and foremost is the appointment of the national intelligence director—people are now getting comfortable with this—the "NID," which is the national intelligence director.

As the President described, the post would be as follows: The new director would be appointed by and report to the President, to be confirmed by the Senate. He or she will act as the principal adviser to the President. He or she would not be located in the Executive Office of the President or serve as a member of the President's Cabinet.

The real news, if one looks at the headlines and the interpretation of what the President says, is this full budget authority by the national intelligence director. That director would be responsible for developing objectives and guidance for the intelligence community to ensure the timely and effective collection, analysis, processing, and dissemination of national intelligence for the country; of determining and establishing requirements and priorities for intelligence collection; of establishing intelligence analysis and production priorities for the intelligence community, and directing the national counterterrorism center.

The NID would have full budget authority over the national foreign intelligence program appropriation and would have the necessary authority to carry out reforms we agree are so crucial to our Nation's security.

There are a lot more details and these details will be coming forward over the next several days, but this short description gives a general outline of the direction the President has requested that we move.

The purpose of creating this new post is to improve how we collect data, ana-

lyze data, and how we act upon intelligence data across agencies in order to strengthen America's defenses and stop terrorism before it ever hits. This will make us safer abroad and I believe it will clearly make us safer and more secure at home.

I commend the President for his decisive leadership in this regard. He is committed to protecting the American people. As the President pointed out yesterday, many of the reforms suggested by the 9/11 Commission report had been and were being addressed by the administration. Mention was made yesterday that the administration had addressed 36 of the Commission's 41 recommendations.

I look forward to working with leaders on both sides of the aisle and with both Chambers of Congress. It is going to take a lot of coordination working in the House, the Senate, and the administration. We do not have very much time. We have 22 legislative days remaining in this body, but I know there is bipartisan agreement on the security of the United States and that agreement means we cannot wait and push this off until sometime in the future.

How much is addressed and what the specifics are has not yet been determined, and that is what is being worked on at the committee level and at the task force level right now. Protecting our fellow Americans from attack is the Government's highest duty. From the Oval Office to the Capitol steps, we are working hard to move America forward and to win this war on terror. That will very much be the focus of the Senate for the next 22 days, the security and safety of the American people.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I compliment the majority leader on his comments regarding the response to the 9/11 Commission. He and I have worked very closely together, and I share his view that it has been a laudable bipartisan effort.

As he has noted, our purpose is to address the recommendations made by the 9/11 Commission on two levels: the executive branch, which is largely the responsibility of the Governmental Affairs Committee, and the legislative branch, which is going to be the responsibility of our task force. Both groups are doing the work that we would hope they would. They have invested a good deal of time already. I share his view that there is an urgency to this important effort, and I hope we can continue to work in the manner with which all Members so far have demonstrated; that is, a commitment to a real bipartisan approach to resolving the many challenges that we face.

TED KENNEDY'S HISTORIC MILESTONE IN SENATE

Mr. DASCHLE. Mr. President, this is an interesting, important, and somewhat historic day. This is the day when Senator KENNEDY actually becomes the third most senior Member in the Senate's history, and I think it ought to be noted. He just surpassed the time of seniority by the distinguished Senator from Arizona, Carl Hayden. So he now ranks as the third most senior person in all of Senate history. I commend and congratulate him, and I know I join colleagues on both sides of the aisle in calling attention to this remarkable new addition to his already impressive and extensive résumé.

HOMELAND SECURITY APPROPRIATIONS

Mr. DASCHLE. Mr. President, I will comment on a matter that the majority leader raised with regard to the current legislation. The Homeland Security appropriations bill is critical legislation. I have admonished Members on our side of the aisle to recognize how critical it is we finish this work before we leave for the Rosh Hashanah holiday next week. It is very important that this work be done. As I understand it, we have 28 Senators—on both sides of the aisle—who have amendments. We will work with them. Senator REID has noted that he has begun to call each Senator to express the hope that we could winnow down the list.

I noticed as the finite list was established last night that many of these amendments are simply listed as relevant. I hope that many of these so-called placeholders could be eliminated and we could get on with the important work.

There is a need to work under time limits for each amendment and hopefully we can work as late in the evening each day to accomplish what is going to be an aggressive schedule as we try to finish this bill—I should say, as we finish this bill. We are going to do more than try. We will complete it no later than next Wednesday morning, and hopefully sooner than that.

CONCERNS IN SOUTH DAKOTA

Mr. DASCHLE. Mr. President, each year, I travel through South Dakota, talking to people where they live and work, in the cafes where they meet, the schools where they send their children, the ranches and sale barns where they hope that this year will bring better prices than the last, the farms where they raise their crops—anywhere people gather to discuss what matters to them.

Every year, I get to all 66 counties, and every year, I marvel at the incredible range of opinions and perspectives I encounter along the way.

But there is another thing that was striking to me this year—and that is

the fact that wherever I was, I heard from different people from different backgrounds a lot of the same hopes, and a lot of the same concerns.

People have a sense of uncertainty. They are uncertain about the progress in the war on terror and the war in Iraq, and they are anxious about the economy—not just about their own jobs, and their own health care, but also about whether their communities and their way of life are going to survive.

In the past few years, whenever I have traveled home, I have sensed the strength of those feelings. And for many of the people I have met, those feelings are growing stronger.

South Dakotans are intensely proud of the valor of our troops serving in Iraq and Afghanistan—and I share that pride. But ours is a small State, and when South Dakotans talk about “the troops,” they are not talking about some abstract concept. They are talking about friends and loved ones. They are talking about a person who is not there behind the counter when they go to work, or a side of the bed that lies empty.

South Dakota is contributing more troops to our war effort than all but seven other countries.

And so, while South Dakotans support our troops, they also know better than most that support in words is not enough.

While I was home last month, I met a young man named Tyler Neuhardt, who was on leave from Iraq and was just a week away from being sent back. He was proud to serve. But he was also looking forward to returning to college, and he wanted some sense of how long he would be deployed so he could plan for his education and his future.

I spoke to a woman whose husband has been in Iraq for over a year-and-a-half, and she and her young son just learned that the earliest they can hope to see him home is the end of this year.

And I met Lloyd Dejung, who talked about how his unit in Iraq was building bridges in flak jackets that, in his words, you could poke a hole through with a knife.

Our Guard and Reserve troops deserve the same state-of-the-art equipment as active duty personnel. They should get honest answers about when they're coming home. And while they are fighting for their country, they should not have to worry about whether they will have to fight for their jobs, or for health care, or for their education once they return home.

That is why, tomorrow, I will be introducing a National Guard and Reserve Bill of Rights—to say to all our soldiers: You have met your duty to your country, and your country will meet its duty to you.

South Dakotans are fiercely proud, and fiercely independent. When you talk to them, they will tell you what you can do to help a neighbor or a friend, but it takes a little while to get people talking about their own con-

cerns. But when they do, there are a couple of things you hear over and over. They are worried about their jobs, they are worried about their health and their health care, and they are worried that as jobs become more scarce and health care becomes ever less affordable and less available, they are going to lose something else, too. They are worried that the strain these things place on the fabric of their communities will become just too much, and that their communities and their way of life just won't be able to survive.

These are concerns I heard everywhere I went, and they are concerns that we here in Washington have the power to do something about.

More than any time in my memory, people were telling me they needed two and three jobs—not to get ahead, not to save for a house or their child's education, but simply to make their monthly bills. Many good manufacturing jobs have left the State, and it is getting more difficult to find a full-time job that pays a wage good enough to raise a family.

I visited the town of Elk Point. A lot of the folks in Elk Point work about 20 minutes down the road in North Sioux City, where there is a Gateway plant. That plant has been cutting jobs, sending them to India. That plant is now down to 2,000 employees from a high of 6,000.

The people I met simply can not understand how this administration's top economic adviser and its Secretary of Labor can both say that outsourcing of jobs is good for the economy.

In Yankton, 10 percent of the work force is in manufacturing. I spoke to the owner of a company that makes road construction equipment. He said that he has had to cut jobs because we have not passed a highway bill.

The Senate version of the highway bill would create 6,500 jobs in South Dakota and over 1.7 million new jobs nationwide. Our infrastructure, our economy, and our communities need this bill.

Closely tied to concerns about jobs are concerns about health care.

In Huron, a woman came up to me at a meeting. She told me that her husband had been laid off from his job in February. They went on COBRA for a while, but it was expensive, and this month it ran out anyway. They both have health concerns, and they don't know what they are going to do.

Just a couple of nights ago, another woman approached me. She told me about her brother, who has diabetes.

He is 60 years old. He works 40 hours a week. He also took a paper route to earn some more money. But neither of his two jobs offers health insurance, so he doesn't have any. He has begun losing feeling in his legs, but he has not seen a doctor because he does not think he can afford to. A 60-year old man, working full-time and then some, can not afford to go see a doctor. In this country, in this century, that is a disgrace.

Everywhere I go, people are worried that their health care costs are rising. If they have health care through their jobs, they are afraid they might lose it. If they are paying for it themselves, they are afraid they can not afford it any longer. I think every American should have access to the same affordable health care options that members of Congress have.

At the very least, there are a number of steps we can take immediately. We should be providing health coverage to uninsured parents who have children eligible for Medicaid and the State Children's Health Insurance Program, and I think we should let States have the option of covering pregnant women and children until the age of 20.

We should create a tax credit to help small business owners provide health care coverage for their employees. Most employers I talked to want to provide health insurance; they are just having an increasingly difficult time affording it.

This is a crisis, and we need to confront it. The ideas are there. We need the leadership.

Out in our small towns and farming and ranching communities, those concerns add up to one that is even greater—that a way of life is being lost. I have been visiting these communities for more than 25 years. There is nothing more gratifying to me than to see a family farmer or rancher raise their children up, teach them how to farm, and then pass their land down to them. But it is happening less frequently these days.

More often, children are forced to leave the communities they know and the families they love to find work in other places. They do not want to leave. But they can not find work good enough to allow them to raise a family. And so the way of life their families have enjoyed for generations is being lost.

But there is something else shared by the people I saw, and the places I visited: determination.

They are determined to make tomorrow better than today. You put them on a job, and they will work harder, and longer, and better than any worker in the world. You give our farmers and ranchers a fair price for what they produce and they will feed the world. You respect the service and protect the rights of our Guard and Reserve, and they will always step up to serve.

That is why I ask that in the time we have left in this session of Congress, we hear these concerns and act on them.

Yes, I saw anxiety and uncertainty. But I also saw pride and determination. I saw people willing to work together to make life better for their families, and strengthen their communities. That is what South Dakotans have always done.

If we adopt the same sense of patriotism and common purpose I saw across South Dakota, I have no doubt that we can make the short time we have left this year a time of accomplishment for

the people we serve, to help them meet the challenges they face.

FETAL ALCOHOL SPECTRUM DISORDERS

There is one other serious public health challenge I want to mention this morning. It is a challenge I first learned about years ago during visits to Indian reservations in South Dakota. It is called Fetal Alcohol Spectrum Disorders—FASD, for short.

FASD is an umbrella term that describes a range of physical and mental birth defects that can occur in a fetus when a pregnant woman drinks alcohol. It is a leading cause of mental retardation in America. It is also 100 percent preventable when women abstain from alcohol during pregnancy.

Every year in America, an estimated 40,000 babies are born with FASD, costing Americans more than \$3 billion each year in direct health care costs, and many times that amount in lost human potential. You can find FASD in every community in America. Native, non-native, rich, poor it doesn't discriminate.

Today is an important day in America's fight against this devastating disorder. It is America's first National Fetal Alcohol Spectrum Disorders Day.

I thank Senator MURKOWSKI for sponsoring this resolution establishing national FASD day. I was proud to be a cosponsor.

Fifteen years ago, my wife Linda and I and a group of friends founded an organization that we called NOFAS, the National Organization of Fetal Alcohol Syndrome. Back then when we met in the living room of a very dear friend, Terry Lierman, there were not many of us to talk about these issues. And scientists and doctors understood very little about FAS. But we have learned an extraordinary amount since then. National FASD day will help us get the knowledge we have learned out to the people who need it the most.

We can save so many children and save families so much heartache simply by increasing people's awareness of what FASD is and how we can prevent it.

But we can't stop there. We need to continue to research and do more to help people who are living with FASD make the most of their God-given talents and abilities.

In 1998, I was proud to be the lead sponsor of legislation that created an FASD prevention and services program and a national task force on FAS and fetal alcohol effect.

Two months ago, I introduced a bill called the Advancing FASD Research, Prevention, and Services Act. My bill would identify areas for additional research by the National Institutes of Health.

It would improve coordination among Federal agencies involved in FASD treatment and research, and establish statewide FASD systems and local community partnerships—like a model partnership that is already up and running in South Dakota and other Midwestern States.

It would improve support services for families who are living with FASD. And it would strengthen educational outreach efforts to doctors, teachers, judges and others whose work puts them in contact with people with FASD, or with women who might be at risk of drinking during pregnancy.

Forty-thousand American children a year are born with FASD. We cannot leave these children behind, either. Whatever investments we make in FASD prevention, research and treatment will pay for themselves many times over in reduced health care costs and increased human potential.

Over the last 15 years, we have unlocked many of the mysteries surrounding FASD—and many more answers are just inches beyond our reach. As we observe this first National Fetal Alcohol Spectrum Disorders Day, I ask my colleagues to take the next necessary steps in the fight against this devastating but completely preventable disorder. Before this Congress ends, let us pass the Advancing FASD Research, Prevention, and Services Act.

I yield the floor.

Mr. REID. Mr. President, before the distinguished leader leaves the floor, I knew the minority leader was going to speak on fetal alcohol syndrome. But I ask the distinguished Senator from South Dakota—I have in my library a book that he recommended written by someone from South Dakota on this subject, a book on this terrible problem that affects a lot of different people, especially in Indian country. I have never forgotten that book. It was something I had never heard of until I read that book. Does the Senator remember that book?

Mr. DASCHLE. I do so well. I have shared it with many people. I thank the Senator from Nevada, my dear friend and colleague, for sharing that observation. Michael Dorris is the author's name. The name of the book is "The Broken Cord." Michael introduced me to this whole issue. He tells the story in his book about two children in South Dakota who had fetal alcohol syndrome. Both have passed away. Both struggled mightily for years. And, of course, the extraordinary problems that the family had to confront are all accounted for in that book. Unfortunately, we lost Michael a few years ago, a powerful advocate for a national advocacy for addressing this issue. But I only hope more people will read that book. I appreciate the fact that my friend called it to the attention of our colleagues this morning.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, there will now be a period for the transaction of morning business for not to exceed 60 minutes, with the first 30 minutes under the control of the majority leader or his designee, and the

second 30 minutes under the control of the Democratic leader or his designee.

Mr. REID. Mr. President, under the control of time of the Democrats, I yield 20 minutes to the Senator from New Jersey, Mr. LAUTENBERG, and 10 minutes to the Senator from Arkansas, Mr. PRYOR.

The PRESIDING OFFICER. The Senator from Alaska.

FETAL ALCOHOL SPECTRUM DISORDER AWARENESS DAY

Ms. MURKOWSKI. Mr. President, as the distinguished minority leader and distinguished Senator from Nevada have spoken to this morning, today is Fetal Alcohol Spectrum Disorders Awareness Day in the United States.

The ninth hour of the ninth day in the ninth month having arrived, I ask unanimous consent that the Senate observe a moment of reflection to remind women who are pregnant and those women who may become pregnant that no amount of alcohol, none at all, is safe during the 9 months of pregnancy.

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

(The Senate observed a moment of reflection.)

Ms. MURKOWSKI. Thank you, Mr. President.

Mr. President, by raising awareness one moment at a time, we can attempt to minimize the damaging effects of drinking during pregnancy.

In late February of 1999, there was a small group of parents who were raising children afflicted with fetal alcohol spectrum disorders, and this small group of parents essentially set out to change the world. The leaders of this group were Bonnie Buxton and Brian Philcox of Toronto and Teresa Kellerman of Tucson.

They were frustrated, frustrated about the lack of public awareness about fetal alcohol spectrum disorders by both the public and the professionals. These parents wondered aloud. They were communicating with one another on an online Internet support group called F-A-S link. They wondered, What if on the ninth minute of the ninth day of the ninth month we asked the world to remember that during the 9 months of pregnancy a woman should remain alcohol free. And what if we also asked the world to remember those millions of people who will never fulfill their potential because of prenatal alcohol exposure.

And at this moment, they asked: Could we begin to change the world? Can we begin to change the path that so many children have been faced with as they set out in the world burdened with the affliction they were born with, fetal alcohol disorders?

So this year, for the sixth consecutive year, communities across the world are pausing during the ninth hour to acknowledge International Fetal Alcohol Spectrum Disorders Awareness Day. FAS Day will be observed extensively in my home State of

Alaska with ceremonies being observed across the State.

I appreciated the comments from the minority leader about the devastating effects in his home State of South Dakota. In Alaska, we, too, are faced with incredible statistics as they relate to those who are born with fetal alcohol spectrum disorders.

In many parts of my State, particularly in the rural parts of the State, we have villages where the amount of children born with FASD is four times the national average. The statistics are absolutely horrific.

I was in a very small community of about several hundred people during the August recess. I was approached by a woman who was a teacher. She had been out in this community for several years. Her greatest concern as a teacher was what I was going to do in my capacity in the Senate to make women aware of the consequences of drinking while pregnant. She was dealing with students coming to her classroom who were not only not able to learn but quite possibly will never be able to learn because they were born with Fetal Alcohol Spectrum Disorders.

I am grateful the Senate is recognizing International Fetal Alcohol Spectrum Disorders Awareness Day and has paused to join in this worldwide moment of reflection. For this, I thank my colleagues, especially the distinguished minority leader, the Senator from South Dakota, who has joined with me in offering Senate Resolution 390 creating the first National Fetal Alcohol Spectrum Disorders Awareness Day earlier this year. I hope we will continue to pause in the ninth hour of the ninth day each September until fetal alcohol spectrum disorders are eradicated.

The eradication of fetal alcohol spectrum disorders is by no means an impossible dream. This is achievable. The simple truth about fetal alcohol spectrum disorders is they can be eradicated, they can be stopped, they can be wiped out if women resolve to consume no alcohol during the term of their pregnancy.

This simple prescription—no alcohol—may seem extreme, it may seem absolute, it may even seem harsh to some, but there is no gentler way to put it.

The term “fetal alcohol spectrum disorders” describes a range of conditions that can befall a child whose mother consumed alcohol during pregnancy. I will not list the technical names of each of those conditions because that is not important. What is important is that if women consume alcohol during pregnancy, they expose their unborn child to the risk of suffering one or more of the fetal alcohol spectrum disorders.

It is vitally important for all women to know that fetal alcohol spectrum disorders are the No. 1 preventable cause of mental retardation and birth defects. An individual with fetal alcohol spectrum disorders can incur a life-

time health cost of over \$800,000. Children do not outgrow fetal alcohol disorders; the physical and behavioral problems can last a lifetime. When a pregnant woman consumes alcohol, it passes through her bloodstream to the unborn child. It can cause damage to the brain. It can result in low birth weight. The child, when he or she is born, may have trouble sleeping, may have trouble eating. As the child matures, he or she can have problems learning, paying attention. Some even need lifelong medical care.

It should be stressed that there is no woman who is genetically immune from the consequences of consuming alcohol during pregnancy. The message is very clear, it is very simple: In pregnancy, no amount of alcohol, no matter how small, is safe. There is no safe time. There is no safe drink. There is no safe amount. The message is, if you are pregnant, do not drink. If you drink, do not get pregnant.

Yesterday afternoon, the President of the United States wrote a message to all of those observing National Fetal Alcohol Spectrum Disorders Awareness Day. I ask unanimous consent the text of the President's message be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, September 8, 2004.

I send greetings to those observing National Fetal Alcohol Spectrum Disorders Awareness Day on September 9, 2004.

Children are a precious gift and a source of great hope for our future. To preserve their dreams and their health, we must continue to work together to increase awareness about the dangers of alcohol consumption by expectant mothers. This observance helps to educate the public about Fetal Alcohol Syndrome and its effects, such as learning disabilities and mental illness, and promote healthier communities.

I applaud all those involved for your compassion and your dedication to improving the health and well-being of our children and their parents. Your efforts bring comfort to countless families and help make America a better place.

Laura joins me in sending our best wishes.
GEORGE W. BUSH.

Ms. MURKOWSKI. Mr. President, I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Ohio.

Mr. DEWINE. Madam President, let me first commend my colleague from Alaska as well as my colleague from South Dakota for their very excellent statements about a problem that I understand affects their States but certainly affects every State in the Union. I hope their comments today will be of help. I know their efforts will certainly help. It is, as my colleague from Alaska has so eloquently said, very preventable. It is something that we who have the opportunity to use this bully pulpit of the Senate, as Theodore Roosevelt would say, can talk about to educate and inform people about the problem and that it is, in fact, preventable.

HONORING OUR ARMED FORCES

SPECIALIST CHARLES E. ODUMS II

Mr. DEWINE. Madam President, I come to the Senate today to pay tribute to Army SPC Charles Odums, II, who lost his life in the service of our country in Iraq. At times like this, I am reminded of a speech President Ronald Reagan gave on Veterans Day many years ago. He said:

It is, in a way, an odd thing to honor those who died in defense of our country, in defense of us, in wars far away. The imagination plays a trick. We see these soldiers in our mind as old and wise . . . But most of them were boys when they died.

SPC Charles Odums was 22 years old when he died after an improvised explosive device detonated near his patrol in Baghdad, Iraq. Today, I rise to remember this brave young man, who was taken from us much too soon.

Charles, or "Chuck" as he was known by family and friends, was an ambitious kid who always tried to do the right thing. Friends lovingly remembered him as the "sweet and quiet boy who would do anything that was asked of him." He came from a close-knit family and developed an especially strong bond with his younger brother, Robert. The two loved to ride their motorcycles and talk of their big plans for the future. They were going to be millionaires.

Chuck went to Sandusky High School and graduated in 1999. While there, he played football and participated in track. He was the likable guy everyone wanted to be around. Chuck's coach, Brett Fuqua, remembered him as a hardworking young man who would run a marathon if asked. Chuck was always willing to do whatever needed to be done.

After high school, Chuck enrolled at the University of Toledo. While there, he met the love of his life, Melanie, and the two married in December 2001. Chuck remained in college for more than one year, but found that it wasn't for him. After much consideration and much time talking it out with his parents, he decided to enlist in the Army.

Though this would be a difficult decision for anyone to make, Chuck knew it was the right one for him. Brett Fuqua described Chuck's reasons for enlisting this way:

He didn't do it because it was glamorous. He didn't do it because he would be a hero. He did it because he believed it was his duty to defend the freedoms that define America: the freedom to worship, to speak freely, to be safe.

Chuck was assigned to the 1st Battalion, 8th Cavalry Regiment, 1st Cavalry Division, where he worked as a medic and driver. His comrades called him "Odie" or "Doc," and they knew they could trust him with their lives. In fact, during his time in Iraq, Chuck was credited with saving three lives and helping countless others. His commanding officer recalled that Chuck would steer his Humvee in such a way that suspicious bumps in the road would pass under the driver's side—his

side—putting Chuck in danger rather than his passengers.

While overseas, Chuck made sure to keep in touch with his family by phone or e-mail, and his parents made sure they held on to everything he sent them. In the binder that they now cherish, Annie and Charles Odums have pictures of their son serving in Iraq. In one, Chuck, in full gear, is waiting on a helicopter landing pad for his transport to arrive. In another, he stands guarding an Iraqi man while other soldiers search for a weapons cache. Chuck's e-mail read: "Well, I'm doing good out here."

While Chuck was in Iraq, he was careful of what he told his mother. He knew she would worry. Chuck missed his parents, his brother and sisters, but especially his wife Melanie. Melanie and Chuck were already planning what they would do when Chuck's enlistment ended. They both wanted to start a family. Chuck had dreams of becoming a police officer. No matter what they decided to do, Chuck and Melanie were looking forward to being together.

After Chuck was killed, in his hometown of Sandusky, OH, thousands of people gathered to show their support for the Odums family and to honor Chuck. They lined the street for the funeral procession and placed flags in their yards. One woman held a sign that read: "Thank you, Charles, God bless America." Veterans groups saluted the fallen comrade and many held their hands over their hearts.

One Sandusky native, Debra Churchwell, took her grandchildren, nieces, and nephews to watch the funeral procession. When asked why she brought her family, she replied: "I want them to see a part of history because they'll never see this again. I pray to God they never see this again." No one wants to see this again.

I know Chuck will live on in the hearts of his many friends and his family, especially his wife Melanie, his mother Annie, father Charles, brother Robert, and sisters Janel, Sophia, Candie, and Tashica. Chuck is an American hero who will live on in all our hearts.

Madam President, I thank the Chair and yield the floor.

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. LOTT. 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. LOTT. Madam President, I would like to inquire about the time remaining and how it is divided.

The PRESIDING OFFICER. There is 7 minutes remaining on the Republican side and 30 minutes remaining on the Democratic side.

Mr. LOTT. Madam President, I do not want to use all that time if others

have a need to come and make comments, but I do have a couple issues I would like to speak on briefly this morning.

TRIBUTE TO SUSAN WOOTEN WELLS

Mr. LOTT. Madam President, I rise to pay tribute this morning to Susan Wooten Wells, a native of Jackson, MS, who today is marking her 30th year on my staff.

Many of you knew Susan when she worked with me in the leader's office. She started off as a scheduler but over the years worked up to be executive assistant and then was administrative assistant in the majority leader's office. Today she serves as the majority staff director of the Senate Rules and Administration Committee, and she has overseen a lot of the moves and renovations and has worked with Senators and their staffs on a number of issues over the past year and a half, and has done a wonderful job.

I first met her in 1974, when she was starting out, teaching eighth grade English in my hometown of Pascagoula, MS.

Despite the fact she is an alumnus of the other university in my State, Mississippi State University, and I am a graduate of the University of Mississippi—she is very proud of that institution, and she points out that comedian Jerry Clower and thriller author John Grisham and Washington Redskin Fred Smoot are also graduates of that university, so over the years we have had fun picking at each other about our alma maters—she came to Washington and worked with me for what was supposed to be 1 year, helping me out in a crunch to get my staff filled and to do the scheduling.

Well, here she is 30 years later. She has had a tremendous influence on my office operations, on my life, and I believe on this institution. I am very proud of the fact she went from being an English teacher—and helping me with my English along the way—to being a real leader on my staff for these many years.

In fact, I refer to her as my Mikey, from the old television commercial. I used to call Paul Coverdell, the great Senator from Georgia, Mikey because if we had a task nobody else wanted or would not do, Mikey would do it. Well, that has been Susan on my staff. If there needed to be something done and we wanted it done right, Susan would handle the job.

When I decided years ago to bring 150 Mississippians to annual events here in the city for a day-long seminar, she made it happen. When I decided to bring in entire communities from Hancock County to cook gumbo for the congressional community once a year, she got the assignment, and she made it happen. It turned out to be a tremendous event. A lot of people enjoyed it and everybody benefited from it. In the process, she did go from being one of

the staff members to being a real leader in the majority leader's office.

She helped expedite the construction of the Capitol Visitor Center. I believe history will look back on it, when it is completed, as one of the wisest things we have done in maybe 100 years in terms of this Capitol and the security of our constituents, their convenience and safety and education as they see this building and all it stands for. She oversaw a lot of the Capitol restoration, including changes in this Chamber. She helped me with the Leader's Lecture Series which turned out to be an acclaimed program of oral history lectures by former Senate leaders and Vice Presidents.

Parts of our public and private lives over this time obviously have been intertwined. We have shared three decades of America's triumphs and three decades of accomplishments for our beloved State of Mississippi. Together we have also endured tragedies that have befallen our country and our families. In fact, last month the love of her life, Milton Wells, passed away, and I shared her grief at that moment and continue to work with her as she comes through this difficult period.

Throughout this time she has been loyal, she has been respectful. She has been very helpful to many people. I could not let this day pass without making a public record of my appreciation for Susan Wooten Wells and her service to this institution.

So many times we forget to say thank you to the people who are on our staffs, who work day in and day out for us, the people in this Chamber, the people who make this place function, who serve us and help us in so many ways. We should not forget to say a small word of thanks.

HIGHWAY LEGISLATION

Mr. LOTT. Madam President, I was pleased to see the majority leader say yesterday he was still holding out hope we could get a highway bill completed before we go out for the election. To me this should not be about the election, but it should be a major focus of what we are doing. Another week is about to go by without any real apparent movement on the highway bill. Why? Why isn't the conference getting this job done? It would mean jobs instantly from Alaska to Mississippi and from Maryland to California, because the projects are ready to go, but the money and the new authorizations and new formulas are not in place.

Some suggestion was made yesterday, perhaps we could get together with the House and Senate, the President, and do a 1-year extension. Why? Why would we want to extend the current program? It needs to be bigger and better. It needs to be updated. We haven't done this now in 4 or 5 years. It is time to have a highway bill.

It is not only about highways. It is about highways and bridges and abutments and public transportation and

innovative programs that take advantage of modern technology. We need to upgrade this law.

One other thing. Every day that passes, every week that passes, people are being killed on highways because they are not modern and are not safe. That is what drives me the most. I know too many cases of people who have died on narrow, hilly, inadequate roads in my State and I am sure all over the country.

I am not going to let up on this. As long as we are in session, I am going to keep asking the question: Why aren't we doing a highway bill? There is plenty of blame to go around. But there is no need to get into that. I want to give credit. I want to praise the chairman of the committee and the ranking member, Senate and House, and the leadership for getting the job done. But I don't think that is happening. I don't quite understand why.

Is there some decision that has been made, some silent conspiracy to extend it, do it another day? Maybe we could get more money next year. Maybe we could raise taxes next year and get it even bigger.

Of all of those, if that is the thought, that is wrong. We need to get a bill that is at a level we can defend as being one that is going to be paid for by gasoline taxes, how we use the trust fund, maybe some changes in how that is handled, but we need to find a way to get it done now. We should find a bill the House can pass, the Senate can pass, and the President can sign. Let's do it and let's do it now.

We could complete this bill within a week. Why don't we do it?

The PRESIDING OFFICER. All time has expired on the majority side.

The Senator from Nevada.

Mr. REID. Madam President, I will take 2 minutes from our side. I have already allocated that.

Let me simply say, I appreciate my friend from Mississippi trying to be a leader of the Senate, being chairman of a committee, doing all those things he is very capable of doing.

The fact is, there is blame to go around on the highway bill. I hope we can pass a bill. I hope we can finish the conference. But let's understand why we are in the predicament we are in today.

The Senate passed a bill of \$318 billion—not a Cadillac version, probably a low level Chevrolet or Ford, barely enough to keep the functions of our transit highway systems together. That bill, passed with four or five dissenting votes, did not increase the deficit 2 cents, not 1 cent. It did not increase the deficit. Suddenly, out of nowhere, the President said he will veto the bill. You figure that one out. No one else can.

As a result, the President has locked in a number. He was at 256. Now they have a number that is 289. They say it is 299, but it probably isn't. It doesn't allow the highway and transit functions to go on.

We are trying. I spent time with Senator INHOFE on Tuesday and Wednesday. Hopefully something can be arrived at. But at that number, it is very difficult, if not impossible, to do.

The Senator from Oklahoma and I have an agreement. That agreement is, if I don't like the bill, he is not going to support it. If he doesn't like the bill, I am not going to support it. That is one of the arrangements we made to go to conference.

I am doing everything within my abilities. I have been chairman of the full committee on two separate occasions. I am speaking for the chairman of the committee, Senator JEFFORDS. I am doing everything within my power to come up with an arrangement so we can have a highway bill. But unless it is good for the country, I am not going to approve it. That is the arrangement Senator INHOFE and I made. If people don't like it, that is part of what goes on around here. We have to work with each other on different issues.

Let me finally say: I have the greatest respect for my friend from Mississippi. But he has not been in on all the arrangements we have made on this bill. It has been very difficult. It was hard to complete the bill at \$318 billion. As we were doing the \$318 billion legislation—this is a 6-year bill—the House was talking about \$375 billion. I was not able to hear all of the comments of the Senator from Mississippi. I was with Senator DOMENICI working on the energy and water bill. But I do not apologize to anyone for what the Senate did on a \$318 billion highway transit bill that was approved by this Senate overwhelmingly because it was a good bill.

I am sorry. For reasons I dare anybody to determine why, a bill that doesn't increase the deficit at all, the President says it is too much money. I will not get into some of the reasons I believe he did this other than to say I am going to continue to work to see if we can come up with a bill. I will do everything I can. But I am laying out as much as I can the position we find ourselves in today.

How much time did I consume?

The PRESIDING OFFICER. The Senator consumed 3½ minutes.

Mr. REID. The Senator from New Jersey then would have 18 minutes. The Senator from Arkansas will have 8½ minutes. I think that works out right.

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

FLIP-FLOPPING

Mr. LAUTENBERG. Madam President, this morning I rise to talk about something that we heard quite a bit about these days. The subject is flip-flopping.

Flip-flopping is kind of an easy thing to identify. During a recent convention, we heard an irate Senator make an angry speech declaring that it is not what you say but, rather, what you do

that counts. You flip-flop when you make promises and fail to fulfill them.

In my 20 years in Washington, there has not been more flip-flopping in a President's office than we have seen in that of President George W. Bush. He calls others flip-flopers, but President Bush needs to look in the mirror, because on issue after issue he has given a new meaning to flip-flop. The President essentially says: Forget what I said the first time, I may change that very soon.

Let's start with one of the earliest and cruelest flip-flops: education. It is cruel because the victims of the President's broken promises are our Nation's children.

The flip was a bold promise of an education bill called No Child Left Behind, with the expectation that the program would produce more money for kids who deserve a quality education.

In July 2001, I quote President Bush when he said he was dedicated to "increasing funding for public schools." Then came a whopper of a flop when he refused to provide the funding promised in the No Child Left Behind Act. President Bush's 2005 budget underfunds education by \$9.5 billion.

The next flip was in March of 2001, when President Bush promised our Nation's seniors not to touch the Social Security surplus. In March 2001, President Bush said:

We're going to keep the promise of Social Security and keep the Government from raiding the Social Security surplus.

Flop: He broke that promise and proposed diverting billions in Social Security surpluses to other programs in the budget.

Flip: He promised to create more jobs for our Nation, but he flopped and has done nothing to create jobs. We are now seeing the first President to have actually lost jobs during the course of his administration since the dark days of Herbert Hoover. His administration ran from 1929 to 1933.

Flip: President Bush has repeatedly promised to pressure OPEC to lower gasoline prices. When he was running for President, Governor George W. Bush said:

What I think the President ought to do is he ought to get on the phone with the OPEC cartel and say we expect you to open your spigots. . . . And the President of the United States must jawbone OPEC members to lower the price.

Flop: Over the course of this administration, the average cost of a gallon of gasoline has skyrocketed from \$1.47 a gallon to \$1.87 a gallon. President Bush's failure to keep prices down is costing families hundreds of extra dollars per year.

Flip: President Bush pledged to push to renew the ban on deadly assault weapons. In April of 2003, White House spokesman Scott McClellan said:

The President supports the current law, and he supports the reauthorization of the current ban.

So the flip was that President Bush pushed to pledge to renew the ban on

the deadly assault weapons. In April 2003, we heard what Scott McClellan said.

Flop: The ban on assault weapons is set to expire in a few days, and President George W. Bush has not lifted a finger to get Republican leaders to pass the bill in Congress. We know that one in five police officers killed in the line of duty are killed with an assault weapon.

We see the promises here on this chart. On this side are the flips, and we see the flops on this side. It is not just domestic issues that the President has flip-flopped on. When it comes to foreign affairs, the defense of our Nation, our Nation's veterans, President Bush has flip-flopped more than he has stayed the course.

One flip was the Department of Homeland Security. That was designed to protect us at home while we sent our troops abroad to protect us from terrorist activities overseas. President Bush strongly opposed creating the Department of Homeland Security in March of 2002. His spokesman said that a Homeland Security Department "doesn't solve anything."

Flop: Three months later, the President said he wants a Homeland Security Department, saying it is critical to protecting the American people.

Of course, those of us who follow this game know the President flip-flopped on this issue and it is part of a political scenario.

Flip: President George W. Bush opposed the creation of the 9/11 Commission. That is right, he opposed it. In April of 2002, President Bush said he was against the creation of the 9/11 Commission.

Flop: After increased political pressure, the President said he supported creating the 9/11 Commission in September of the same year.

The President even flip-flopped on catching the man who murdered 3,000 Americans, Osama bin Laden. In September of 2001, George Bush said he wanted Osama bin Laden "dead or alive." He said, "I want justice. There is an old poster out West, I recall, that says 'wanted dead or alive,'" when he was talking in September of 2001. But in March of 2002 he said, "I don't know where he is. You know, I just don't spend that much time on him. . . . I truly am not that concerned about him."

I can tell you that the families of the 700 people from the State of New Jersey who lost their lives thought about Osama bin Laden, and they think about him every day and night—the children who have no father, the spouse who has no mate. That is an outrageous comment.

Of course, then there was the major flip, known as "mission accomplished." If I can interpret that, he said: Rest easy Americans, there will be no more deaths and casualties, no more injuries that will last a lifetime.

The President announced that major combat operations in Iraq were over

during a political appearance on an aircraft carrier.

Reality flopped him there—a tragic reality. Since declaring "mission accomplished" on May 1, 2003, we have lost 864 people in Iraq. Tell those families that the mission is accomplished. Tell them they have nothing to worry about. What they have is an empty home and an empty heart. Tell those families that the danger is over.

On the war on terror, President Bush flip-flopped again. One day in the same week he said he doesn't think we can win the war on terror. I believe that was a Monday. A day or two later, he flopped and said: Oh, no, we can win the war on terror.

What is it, Mr. President? Can we win or can we not win? Don't disrupt the morale of the people serving over there by discouraging comments such as we cannot win and then boldly say, heck, why did I say that?

He flip-flops on veterans issues as well. Just this month, he told the American Legion:

All our Nation's veterans have made serving America the highest priority of their lives, and serving our veterans is one of the highest priorities of my administration.

But what has the President quietly done? His plan for 2006, which is out there already—the budget year—is to cut veterans health care by \$910 million after the election. None of this came out publicly before. You have to search to find it. The evidence is in an OMB memo that reveals the President's budget plan for 2006. President Bush has also doubled copays for prescription drugs for many veterans.

I served in a war a long time ago, and I say to my fellow veterans across the country: President Bush is talking the talk, but he doesn't walk the walk. Just as he failed to answer the call to combat during Vietnam, he is failing our veterans as President.

Behind the scenes here in Washington, President Bush is undermining veterans health care, and one thing that particularly enraged me was when I tried to make flag-draped coffins available to be photographed by the news media for those who gave the ultimate sacrifice on the battlefields of Iraq, who deserve a last tribute from their country, a flag on their casket to tell their families they died honorably. President Bush would not allow it. He refuses to allow the public to see the flag-draped coffins arrive on our shores, such as in Dover, DE. That is where the bodies are brought back home.

I will never forget President Reagan's funeral, the deliberate care the honor guard took when they folded the flag crease by crease, and finally the last person in the line put it into a triangle and walked stiffly over to Nancy Reagan and gave her the flag. She was beaming.

I was at Arlington National Cemetery, where a young soldier was being buried. I joined his family. It was the same way: The honor guard folded the

flag crease by crease, and finally gave the triangular-folded flag to the young man's mother. Although she was crying, she was beaming with pride that this last tribute was given to her son. But the White House is saying: No, we do not want the American people to see those flag-draped coffins because it tells the truth about the cost of this war. The administration wants those images hidden because it is not good for reelection.

President Bush uses a lot of broad language and imagery when he speaks. It makes him sound determined and decisive, but when you get behind that facade and look at the actions, you see flip-flop. Make no mistake about it, George W. Bush knows exactly what flip-flopping is. It takes one to know one.

I close with the comment about an election that took place a few years ago in Georgia when a beloved comrade of ours—no legs, one arm left after his tour of duty in Vietnam—lost an election because he was declared to be soft on defense. The words almost were unpatriotic, and he lost an election because he was soft on defense—three limbs left behind in Vietnam, an American tragedy of the worst order.

Now the same thing is happening with our colleague, Senator JOHN KERRY, in trying to paint him as soft on defense, unwilling to support the soldiers, unwilling to buy the material that is needed to protect themselves. It is an insult not just to those veterans but to every American. Those are the actions of a chicken hawk. I had a drawing of a chicken hawk here. A chicken hawk is someone who makes wars for other people to serve.

We know President Bush's record is very hard to come by. It is all obscured with was he there or wasn't he there. We know one thing, he wasn't there more than he was there.

Vice President CHENEY had five deferments and said, during that war when Americans across our country were being called on to fight to perhaps sacrifice limb or life, he had other priorities. It is a bad game, but I hope the American people will be aware of what is taking place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. There are 9 minutes 20 seconds remaining.

The Senator from Arkansas is recognized.

Mr. PRYOR. I thank the Chair.

(The remarks of Mr. PRYOR pertaining to the submission of S. Res. 420 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

SALES TAX

Mr. FRIST. Mr. President, this morning with my opening statement, I noted that most of the next 22 days on

the floor of the Senate will focus on the safety and security of the American people. In addition, at the conference level, there are a number of other issues being discussed—like the FSC/ETI JOBS bills and the transportation bill for example. I want to speak to the FSC/ETI JOBS bill very briefly.

There is a provision in that bill that is very important to families and workers all across Tennessee. It has to do with the deductibility of sales tax. Senator HUTCHISON, Congressman BRADY and Congresswoman BLACKBURN have all worked tirelessly on this issue. The majority leader in the House, Congressman DELAY, has as well. I thank them all for their continued leadership. And I appreciate all they have done to see that State sales tax deductibility was included in the House version of the JOBS bill.

I have heard from countless Tennesseans about their adamant desire to be able to deduct sales tax from their Federal income tax. Again and again it comes back to a matter of equity and fairness. Mr. Henry Branch from Goodlettsville, TN wrote to me, Senator ALEXANDER and Congressman JIM COOPER with his one request.

His words:

I hold that sales tax deductibility should be very seriously considered since continuation of the current status penalizes citizens of all states not having a broad-based income tax. I simply ask that all of you work together to remove the inequity.

A matter of equity.

Mr. James Griggs from Nashville writes:

I cannot conceive of a single reason why states that use a different type of tax system should be punished for it. It seems to me to be a clever ploy to force states into using income taxes instead, a position I strongly stand against. In my opinion, citizens should be able to deduct any kind of tax they pay.

A matter of fairness.

Mr. Robert McCulloch from Knoxville writes:

Having just completed my Federal income tax return for 2003, I am once again reminded how unfairly treated are the good citizens of Tennessee.

As all of these fine Tennesseans point out, enactment of this provision will restore a measure of fairness to the Tax Code that existed up until 1986, but was lost at that point in time. The current Federal Tax Code unfairly encourages States to impose an income tax because part of that cost is borne by the national Treasury. This is wrong. The Federal Government should be neutral on how States decide to raise revenue. States should be able to decide for themselves without the intrusion of Federal tax policy. We must restore equity and fairness to the system.

It also is consistent with the principles of fairness to all taxpayers. Deductibility for State sales taxes was eliminated in 1986, but deductibility for State income taxes was retained. It is long past time to fix this fundamentally unfair and counterproductive result.

If someone at any time wants to debate whether the Federal Tax Code should allow a deduction for any State and local taxes, whether it is a sales tax or an income tax, be that as it may, that debate could take place. But there is no principled reason why sales taxes should be denied a deduction that is applicable to income taxes.

Equally important, including the deductibility of sales tax will also provide a direct boost to consumers and to our economy. For example, in Tennessee alone, almost one-quarter of all taxpayers would receive an average benefit of \$470 each. Citizens in States such as Texas, South Dakota and Tennessee could use that money to buy school supplies, to invest in their businesses, to make a downpayment for a car, to pay off some of those credit card bills.

This provision takes relatively little from the Federal Treasury but monumentally changes the lives and livelihoods of the 54 million Americans living in States that have chosen not to impose an income tax.

FSC/ETI JOBS CONFERENCE

Mr. FRIST. I am hopeful that the House will appoint its conferees to the FSC/ETI JOBS conference so we can start producing this important conference report which affects manufacturing jobs throughout America. I am optimistic that when the conference report is finished, it will include this very important provision on State sales tax deductibility.

I yield the floor.

SALES TAX DEDUCTIBILITY

Mr. DASCHLE. Mr. President, I rise to talk about a matter of simple tax fairness for the citizens of my State.

South Dakota, like several other States, has no State income tax. Our State relies on sales tax to pay for schools, police departments, and other critical needs.

While people in other States can deduct their State income taxes from their Federal taxes, people in States without income taxes do not get a corresponding deduction for the State sales tax that they pay. Those people are losing out on a deduction they deserve.

I strongly support fixing this unfairness, and last year I and a number of my colleagues introduced a bill to do that. I also agree with the bipartisan group of my colleagues—including Senators FRIST, HUTCHISON, CANTWELL, MURRAY, and ENZI—who point out that we can fix this problem now in the FSC/ETI bill. The sales tax fix will be part of that conference.

We in the Senate have appointed conferees and are ready to roll up our sleeves and get to work on the conference. However, the House has yet to appoint conferees so our work can begin.

I do not understand what the House is waiting for because this is important

legislation, and I urge them to act quickly so that we can address both the broader bill and the State sales tax issue very soon.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ENSIGN). Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4567, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

The PRESIDING OFFICER. The senior Senator from Mississippi.

Mr. COCHRAN. Mr. President, first, I thank all Senators for their cooperation in the handling of the bill yesterday. We made progress in disposing of several amendments. We also achieved a very important milestone in the handling of the bill. We have an agreed list of amendments that are in order to the bill. This will limit the offering of amendments to only those on the list. We appreciate very much Senators permitting us to enter that order last evening.

The bill provides total new budget authority for fiscal year 2005 of \$33.1 billion to fund the Department. In addition, an estimated \$2.9 billion in collections from offsetting collections from user-financed services, Customs duties, and trust funds will be available to finance activities of the Department for fiscal year 2005.

Excluding mandatory appropriations for retired pay of the United States Coast Guard, the bill provides \$32 billion in discretionary spending, consistent with the amount allocated by the full committee for this bill. This is \$896 million more than the President's fiscal year 2005 discretionary spending request; and \$2.8 billion more than the fiscal year 2004 appropriations level, excluding emergency supplemental appropriations and including a \$1.6 billion increase in the availability of advance appropriations for biodefense countermeasures.

The additional amount above the President's request level is used to increase funding to assist State and local first responders, to enhance aviation security, to harden critical infrastructures that are potential targets to terrorists, and to better secure our ports and waterways.

The bill also attempts to address the most critical outstanding need, that of rail and transit security. This proposal includes \$150 million for rail and transit security grants; \$34 million for high explosives countermeasures, including \$24 million for commuter and passenger

rail environments; \$194 million for protective actions, including protective measures for rail; and \$15 million for rail inspectors and canine explosives detection teams.

The bill recommends \$632 million for management and operations of the Department, including \$65 million requested by the President to continue to consolidate the Department's headquarters operations at the Nebraska Avenue Complex.

To secure our Nation's borders and enforce and investigate customs and immigration laws, the bill recommends total appropriations of \$8.7 billion, including \$5 billion for the Bureau of Customs and Border Protection and \$3.4 billion for the Bureau of Immigration and Customs Enforcement. This includes an increase of \$50 million more than the request level for the Federal air marshals.

An increase of \$64 million is provided for the container security initiative. This initiative seeks to enhance the security of an indispensable, but vulnerable, link in the chain of global trade: the oceangoing shipping container. Proactively screening containers before they reach the United States will significantly contribute to efforts to secure the borders against dangers that might be introduced through commercial trade. A more secure maritime trade infrastructure will ensure the continued smooth flow of merchandise through seaports.

The illegal alien population of the United States has risen to record levels. According to the Department, the undocumented alien population has grown from approximately 3 million in 1990 to an estimated 9 million today. This bill provides \$107 million in additional resources for detaining and removing such individuals from this country.

The bill also provides \$478 million for the Federal Protective Service, which is the same as the President's budget request, to ensure a safe and secure workplace for Federal employees.

Also included is \$340 million for U.S. VISIT, the new system to identify and track foreign visitors and students and to screen for possible terrorist or criminal involvement.

In new budget authority \$140 million is provided for Citizenship and Immigration Services in addition to the \$1.5 billion estimated in collections available for these operations.

For the Transportation Security Administration, TSA, responsible for ensuring security across the U.S. transportation system, including aviation, railways, highways, and ports, the bill provides total funding of \$5.2 billion, \$184 million more than the President's budget request, and \$648 million more than the fiscal year 2004 level. In addition, it assumes \$400 million less than the President's request in offsetting aviation security fee collections. While the bill does not contain the President's requested legislative proposal to mandate the level of fees, it does re-

quire the General Accounting Office to initiate review activities necessary to resolve the appropriate level of fee collections based on calendar year 2000 airline security costs.

Over 53 percent of the funds made available for TSA are provided for Federal screeners at our Nation's commercial airports. This includes \$2.8 billion for aviation security personnel compensation and benefits, and training of passenger and baggage screeners. Also provided for aviation security is \$161 million for passenger checkpoint support and \$210 million for the purchase of baggage explosive detection systems.

For airport security direction and enforcement, \$872 million is provided, including \$293 million for airport information technology support, \$25 million for Federal flight deck officer training, and \$43 million for air cargo security and enforcement.

For maritime and surface transportation security activities, the bill provides \$55 million for transportation worker identification credentials; \$15 million for rail security efforts; \$17 million for hazardous materials driver license endorsement program; and \$24 million for maritime and land security staffing, operational oversight, and administration of maritime and land grant functions.

To further improve transportation security, \$181 million is provided for research and development of the latest technologies to detect and deter terrorist attacks, including \$57 million for research and development of next generation explosive detection systems, and \$75 million for research and development of new technologies to screen air cargo.

This bill provides nearly \$7.5 billion for the United States Coast Guard, including \$5.2 billion for military pay and operation of bases and \$1.1 billion for upgrading and replacing the Coast Guard's cutters, helicopters and planes.

Currently, the Coast Guard is deployed in support of operations in Iraq, is conducting its new homeland security mission, and is maintaining its traditional missions such as marine resource protection and drug interdiction.

The Coast Guard's deepwater recapitalization program is funded at \$776 million, \$98 million more than the President's request level.

For the United States Secret Service, the President's budget request of \$1.2 billion is fully funded to support the Service's protective and investigative missions.

For the Federal Law Enforcement Training Center, \$224 million is included to provide preeminent law enforcement training to more than 20,000 Federal law enforcement professionals in the coming fiscal year.

To further strengthen the capacity of the Nation's first responders, a total of \$3.7 billion is provided for the new Office of State and Local Government Coordination and Preparedness, created

by the Secretary of Homeland Security through the use of his reorganization authority. The Department's grant programs have been consolidated under this new office. Included in the amount recommended is \$1.37 billion for State and local basic formula grants, including law enforcement terrorism prevention grants; and \$1.2 billion for urban area security initiative discretionary grants.

Within the urban area security initiative, specific funds have been provided, \$150 million for port security grants, \$150 million for rail and transit security grants, \$15 million for trucking security grants, and \$10 million for intercity bus security grants.

The bill also provides \$700 million for firefighter assistance grants and \$180 million for emergency management performance grants. Both of these programs are continued under the consolidated office as stand-alone programs.

The bill provides over \$5.6 billion for programs and activities of the Directorate for Emergency Preparedness and Response which was created with the transfer of the Federal Emergency Management Agency, FEMA, to the new Department of Homeland Security.

This appropriation includes over \$231.499 million for preparedness, mitigation, response and recovery activities, including \$30 million for 28 strategically located urban search and rescue teams.

Disaster assistance is funded at \$2.151 billion, as requested in the President's budget. The President's request of \$2.15 billion is based on the historical yearly average of \$2.9 billion, and relies on an anticipated carryover balance from the previous year to meet the needs of disaster victims.

Previously appropriated funds of \$2.528 billion, will be available for fiscal year 2005 for Project BioShield to spur the development of biodefense countermeasures.

In addition, the bill assumes the transfer of the Strategic National Stockpile to the Department of Health and Human Services, as proposed in the President's budget.

For the Department's information analysis and infrastructure protection activities, the bill recommends \$876 million to identify and assess current threats to the homeland, map threat information against current vulnerabilities, issue timely warnings, and take preventive and protective action.

A critical component of IAIP is the development and implementation of protective actions for the Nation's critical infrastructures. The bill provides \$193 million to carry out activities including the buffer zone and site security program for protection of chemical facilities, nuclear power plants, nuclear spent fuel storage facilities, water treatment facilities, bridges, subways, tunnels, and other critical infrastructures.

To identify these critical infrastructures and their vulnerabilities, to as-

sess identified risks, and to deploy a database of critical infrastructures, the bill provides \$65 million.

The bill provides \$92 million to allow for the Department to share data with infrastructure owners and operators regarding vulnerabilities and for the hosting of departmental applications, network connectivity, and critical data storage.

As part of the effort by IAIP to better secure not only physical assets but also cyber assets, the bill includes \$67 million to monitor, predict, and prevent cyber attacks, to minimize the damage from and to efficiently recover from attacks.

For science and technology, total appropriations of \$1.1 billion are recommended to support homeland security through basic and applied research; to develop prototypes; and to procure technologies to detect, destroy, dispose, and mitigate the effects of weapons of mass destruction.

Of this amount, the bill provides \$346 million for biological countermeasures to deter, detect, and mitigate acts of biological terrorism against the United States.

The bill also provides \$128 million for nuclear and radiological countermeasures for use in operational environments; \$52 million for the development of technologies to defend against attacks by chemical warfare agents or toxic industrial chemicals; and \$34 million for high explosives countermeasures, including \$24 million for rail security high explosives countermeasures.

A total of \$75 million is made available for the rapid development and prototyping of new technologies in support of homeland security.

The bill also continues funding of \$69 million for the establishment of a university-based system to enhance and strengthen the efforts of homeland security on our Nation's campuses.

Funding of \$61 million is provided for research, development, testing, and evaluation of an anti-missile system for commercial aircraft.

Mr. President, I know other Senators wish to speak on the bill, and some want to make opening statements. I think particularly the distinguished Senator from West Virginia has a statement to make on the bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3597

Mr. BYRD. Mr. President, on behalf of myself and Mr. LEAHY, Mr. REID of Nevada and Mrs. CLINTON, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from West Virginia (Mr. BYRD) for himself, Mr. LEAHY, Mr. REID, and Mrs. CLINTON, proposes an amendment numbered 3597.

Mr. BYRD. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: Fulfilling Homeland Security Promises)

At the appropriate place in the bill insert the following:

TITLE VI—ADDRESSING KNOWN VULNERABILITIES

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Customs and Border Protection, Salaries and Expenses", \$100,000,000, to remain available until September 30, 2006, of which not less than \$50,000,000 shall be for purchase and deployment of radiation portal monitors, and not less than \$50,000,000 shall be for staffing at the northern border in fulfillment of the USA PATRIOT Act and the Enhanced Border Security Act.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Immigration and Customs Enforcement, Salaries and Expenses," \$11,000,000, to remain available until expended, for detentions and removals.

FEDERAL AIR MARSHALS

For an additional amount for the Federal Air Marshals, \$50,000,000.

TRANSPORTATION SECURITY

ADMINISTRATION

AVIATION SECURITY

For an additional amount for necessary expenses of the Transportation Security Administration related to aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597), \$100,000,000, to remain available until expended, for activities related to screening passengers and carry-on baggage for explosives.

TRANSPORTATION SECURITY ADMINISTRATION

MARITIME AND LAND SECURITY

For an additional amount for necessary expenses of the Transportation Security Administration related to maritime and land transportation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597), \$4,000,000, for hazardous materials security grants.

UNITED STATES COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements," \$324,000,000, to remain available until September 30, 2009, for the Integrated Deepwater Systems program.

OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS

STATE AND LOCAL PROGRAMS

For additional amounts for "State and Local Programs," \$665,000,000: Provided, That of the amounts made available under this heading: \$440,000,000 shall be for discretionary grants for use in high-threat, high-

density urban areas as determined by the Secretary of Homeland Security; \$125,000,000 shall be for port security grants; and \$100,000,000 shall be for grants for interoperable communications equipment.

SECURITY ENHANCEMENTS FOR HIGH-RISK NON-PROFIT ORGANIZATIONS

For discretionary assistance to non-profit organizations (as defined under section 501(c)(3) of the Internal Revenue Code of 1986) determined to be at high risk of international terrorist attack, \$50,000,000.

MASS TRANSIT AND RAIL SECURITY

For necessary expenses related to mass transit, freight and passenger rail security grants, including security grants for AMTRAK, a backup communications facility for the Washington Area Metropolitan Transit Authority, security upgrades for various rail tunnels, research and development of rail security methods and technology, capital construction, and operating requirements, \$350,000,000.

FIREFIGHTER ASSISTANCE GRANTS

For an additional amount for "Firefighter Assistance Grants," \$46,000,000, to remain available until September 30, 2006.

EMERGENCY PREPAREDNESS AND RESPONSE

FIREFIGHTER HIRING GRANTS

For activities authorized by section 34 of The Fire Prevention and Control Act of 1974 (15 U.S.C. 2001 et seq.), \$100,000,000, to remain available until expended.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION ASSESSMENTS AND EVALUATIONS

For an additional amount for "Assessments and Evaluations", \$200,000,000, to remain available until September 30, 2006, of which \$100,000,000 shall be available for chemical facility security improvements; of which \$100,000,000 shall be available for grants to States, municipalities, or intermunicipal or interstate agencies for security improvements to address known vulnerabilities to water systems.

Mr. BYRD. Mr. President, the President of the United States has been out on the campaign trail asking the question, is America safer? That is a good question. Is America safer? That is a good question. President Bush concludes that America is safer. He pats himself on the back, wraps himself in the flag, and tells Americans that he is a war President and that we should trust him.

The President is asking himself the wrong question. He asserts that America is safer. Well, safer than what? Safer than we were on September 11, 2001?

In August of 2001, while in Crawford, TX, the President read an intelligence report providing clear warnings that al-Qaida was preparing to attack the United States. Yet, tragically, on September 11, 2001, Americans were not safe. Therefore, telling Americans that we are safer than we were on September 11 is not much of an accomplishment. Making America safe is not that simple.

The President should be asking himself, in the 3 years since the terrorist attacks of 9/11 have we been taking the prudent steps necessary to address the clear and present dangers that we face right now and that we know of right now? Last week President Bush said:

This election will also determine how America responds to the continuing danger of terrorism—and you know where I stand. Three days after September 11 I stood where Americans died in the ruins of the twin towers. Workers in hard hats were shouting to me, "whatever it takes."

The President said:

Since that day I wake up every morning thinking about how to better protect our country. I will never relent in defending America, whatever it takes.

Rhetoric is easy. Rhetoric is cheap. But the followup is hard. If the President meant what he said last week he would not be satisfied with a bill that cuts funds for first responders. He would not be satisfied with a bill that leaves first responders unable to communicate. He would not be satisfied with a bill that leaves airline passengers worrying about explosives on board, or that fails to adequately invest in securing our ports, our chemical facilities, and our trains. We have to match talk with action and I hope the people will remember that, insist on it, and hold us responsible if we don't do it. And that goes for the President as well.

In response to authorization bills signed by the President but not funded, in response to 9/11 Commission recommendations, and in order to address well known vulnerabilities not funded in the committee bill, I have offered an amendment today that totals \$2 billion and includes \$586 million to equip and train our first responders and to address the interoperability radio communications problem. Consistent with the 9/11 Commission recommendation, all of these first responder funds will be allocated based on threat.

Moreover, I am adding \$350 million to help secure our rail and mass transit system. Also included is \$324 million to expedite the modernization of Coast Guard ships, planes and helicopters, bringing funding for the Deepwater program to the level recently authorized by Congress and signed by the President. Also included is \$150 million for improved air security for purchasing equipment for screening passengers and carry-on baggage for explosives, consistent with 9/11 Commission recommendations.

How many people realize that we do not have the equipment that checks airline passengers for explosives? People may think that we do have it. We do not. We have equipment that checks passengers' carry-on for guns, metal objects, but not explosives. Now, remember that. Keep that in mind. So, included in my amendment is \$150 million for improved air security for purchasing equipment for screening passengers and carry-on baggage for explosives.

Also, there is \$125 million for port security grants, \$111 million for border security for additional radiation detectors, additional border patrol personnel and for improved detention and removal, \$100 million for hiring additional fire personnel, \$100 million for securing our drinking water systems,

\$100 million for securing chemical facilities. In the Kanawha Valley in south central West Virginia there are chemical facilities. There is a great complex of chemical facilities, as great as any other in the Western Hemisphere, I would say.

Also included in this amendment is \$50 million for grants to secure non-profit organizations such as hospitals, colleges, churches and synagogues, and \$4 million for hazardous materials and grants.

This amendment meets critical needs. It addresses vulnerabilities that we all know exist. And let there be no doubt. If we know that these gaps exist, so do the terrorists know these gaps exist.

It has been more than 2½ years since Richard Reed, the so-called "shoe bomber," tried to blow up a Miami-bound aircraft over the Atlantic Ocean with explosives that he carried onto the aircraft. Only last month, two Russian airplanes simultaneously were blown out of the sky most probably by Chechnyan terrorists who carried the explosives on board the aircraft. The 9/11 Commission report states clearly and succinctly that the threat posed to passenger aircraft by explosives being carried onto the plane is real. Yet the President has not responded, so the Senate must respond.

The additional \$100 million in this amendment will significantly expand the effort to screen air travelers for explosives and chemical weapons. We know that newly developed passenger portals can detect whether passengers are carrying explosives. These systems have been tested, and these systems have been proven to work. We need the money to deploy these systems at our Nation's airports. Lives depend on it. Those of you who travel on aircraft, your lives depend on it.

Following the March 11 Madrid railroad bombing, the administration issued security bulletins to law enforcement officials and transit authorities warning of the danger of similar attacks here at home.

So that is what we did. We issued security bulletins.

Crowded trains are inviting targets for terrorists. Busy transit stations allow for easy access, anonymity, and quick escape. Yet the administration requested no new funding to secure mass transit facilities.

Your lives depend on it.

We cannot continue to deceive the American people. The American people believe they are being made safe. They undoubtedly believe the passengers are being examined, tested, and checked for carry-on explosives.

Under Secretary Asa Hutchinson said "millions of Americans travel by rail every day and recent world events highlight the need to ensure they are kept safe from acts of terror." Yet this White House proposed no new funds, just an unfunded mandate. Paper directives and press releases will not—will not—stop terrorists bombs.

On May 6, 2004, the Senate Banking Committee on a bipartisan basis approved S. 2453 which authorizes \$5.2 billion for transit security. On May 21, 2004, the Senate Commerce Committee, also on a bipartisan basis, approved S. 2273 which authorizes \$1.2 billion for additional rail security activities.

On a broad bipartisan basis, these committees have recognized the overwhelming need for this Congress and this administration to step up to the plate and robustly address the security threat facing our rail and transit systems. The President has not responded. The Senate absolutely must respond. So my amendment includes \$350 million for transit security grants.

Three years now after 9/11, despite hundreds of firemen losing their lives in the World Trade Center because they could not receive emergency radio messages to evacuate, the Federal Government has contributed little to the efforts to solve the interoperability communications problem. In fact, the President proposes to terminate the Justice Department's Interoperable and Communication Grants Program and proposes no funding for fire departments and other first responders through the Department of Homeland Security.

What in the name of Heaven is the President waiting on?

This amendment provides \$100 million for interoperable communications equipment. The Senate Commerce-Justice-State bill is expected to include \$100 million for the COPS Program to improve interoperable communications for police departments. Why not make sure that police, fire, and emergency medical personnel can communicate with one another? The \$100 million contained in my amendment meets only a fraction of the need. But it is a critical start.

While States can use their first responder grants to solve the interoperability problem, many States have not chosen to use first responder dollars to address this problem because of the complexity of multijurisdiction and multiagency purchases, and because of competing demands on first responder funds. In 2003, according to the Alliance in Support of America's First Responders, only 3 percent of the funding was dedicated for interoperable communications equipment. A separate funding source is required to overcome these hurdles. My amendment accomplishes that goal.

The 9/11 Commission recommends allocating first responder funds based on threat rather than on population. My amendment adds \$440 million to the \$875 million currently provided in the Senate bill for urban areas security initiative grants. These grants are targeted to cities that are determined to be at greatest risk of a terrorist attack, that have the highest number of critical assets such as tunnels, bridges, and chemical plants, and have population density. We need to get funds to places that are most at risk.

On August 1, the Department had such specific threat information that it moved northern New Jersey, Washington, DC, and New York City from Code Yellow to Code Orange. We must back up such targeted warnings with funds, and the Urban Area Security Initiative Program allows the Secretary to send funds where they are needed most—not based on formula but based on facts.

The Council on Foreign Relations report, authored by former Senator Warren Rudman, found that America will fall approximately \$98.4 billion short of meeting critical emergency responder needs in the next 5 years. Cities are spending an additional \$70 million per week on personnel costs alone. Funding urban area security initiative grants is the only way to ensure that the Department of Homeland Security can get moneys to the cities that are most likely at risk.

My amendment also provides an additional \$46 million for the Fire Grant Program to restore the program to current levels and avoid an ill-advised funding cut. In the current threat environment, why in the world would one slash fire grant funding?

This year, the Fire Administration received 20,366 applications totaling \$2.6 billion from local fire departments. The bill provides \$700 million for the program. As one of the pillars of the first responder community, it is essential that our firefighters have the best equipment and the best training possible, but because of shortsighted administration budgets, too many fire departments are being left high and dry.

What about our borders? What about our national borders? The U.S. Customs and Border Protection Agency, CBP, has a 5-year plan for deploying radiation portal monitors at our ports. The plan calls for deployment of approximately 2,000 of these monitors at locations around the country based on assessment of the nuclear smuggling threat, focusing on nuclear weapons, nuclear weapons material, radiation dispersal devices, and other illegal or illicit radioactive material. Why should we wait for a 5-year plan? The additional \$50 million in this amendment will allow CBP to deploy radiation portal monitors to screen 100 percent of the inbound containerized cargo at 30 additional seaport terminals, thus completing the deployment of these monitors at America's top 22 seaports and several Southwest border land crossings. Let's start now.

My amendment also addresses the need for more personnel on our borders. The USA PATRIOT Act, passed in the immediate aftermath of the September 11, 2001, attacks, calls for a tripling of the number of border patrol agents as well as Customs Service and Immigration and Naturalization Service inspectors on the northern border. While the border patrol has met the PATRIOT Act requirements to increase the number of agents on the northern border, the number of Customs and Border

Protection—CBP—officers remains woefully inadequate. In May of this year, the CBP was 1,428 officers short of the goal. I repeat, in May of 2004, the CBP—Customs and Border Protection—was 1,428 officers short of the goal. Yet, incredibly, the agency has been stuck in a hiring freeze ordered by the administration in March. The \$50 million provided in this amendment will add 439 new CBP officers, getting us almost a third of the way toward meeting the PATRIOT Act requirement.

My amendment also includes \$324 million for the Coast Guard Deepwater Program. Prior to September 11, 2001, the Coast Guard began to modernize its fleet of assets. The program, named Deepwater, called for the modernization or replacement of some 100 cutters and 200 aircraft over a 20-year period.

Since the attacks on September 11, the Coast Guard's responsibilities have grown substantially. As a result, assets vital to homeland security are being used more today than ever in the Coast Guard history. The Government Accountability Office recently reported that "resource usage—as measured by the number of hours the Coast Guard's cutters, boats and aircraft are used to perform its mission—was up almost 40 percent from pre-September 11 baseline."

The Coast Guard Commandant, in testimony before the Senate Appropriations Subcommittee on Homeland Security, testified that the current condition of the aging fleet threatens Coast Guard mission performance. He testified that Coast Guard assets are in a "declining readiness spiral." Yet the President does not respond. What happened to "whatever it takes"? The President's budget for the Deepwater Program will take 22 years to complete. This is 2 years slower than the Capital Improvement Program envisioned when Deepwater was conceived prior to the tragic events of September 11.

My amendment provides \$324 million above the amount provided in the committee bill, the full amount authorized by the Congress and the President just 1 month ago. This funding will address the Coast Guard's "declining readiness spiral." The funding would go to accelerate the Coast Guard's highest priorities, which are to enhance safety and reliability on the HH-65 helicopter, accelerate the design of the fast-response cutter for near-shore missions, and complete design of the offshore response cutter for the high-endurance missions of the Coast Guard. The funding will accelerate the Deepwater Program, finishing it in 15 years instead of the administration's 22-year plan.

We must do more to protect our seaports. The top 50 U.S. ports account for 90 percent of all cargo container tonnage entering the United States. A 1-month closure of a major port would cost our national economy at least \$60 billion, but because of the tremendous volume of containerized cargo, customs officials are inspecting only 5 percent

of the 9 million containers that come into our ports on vessels each year.

The Coast Guard has estimated that \$1.125 billion will be needed in the first year, and \$5.4 billion will be needed over the next 10 years for the ports to comply with the Federal regulations mandated by the Maritime Transportation Security Act which was signed into law by President Bush with great fanfare in November of 2002. However, until this year's budget submission, President Bush had requested no funds—none—for port security. Last year, Congress provided \$125 million for port security grants. Yet, despite telling the people that security is his top priority, President Bush proposes to cut port security funding by 62 percent. Promises are broken once again.

Upon adoption of the Levin-Collins amendment last March, the Senate version of the resolution assumed that \$275 million would be appropriated for port security grants in fiscal year 2005. The bill before the Senate today provides \$150 million. The additional \$125 million in this amendment keeps the port security grant promise that was made in the Senate budget resolution.

The amendment also includes \$100 million to secure our Nation's drinking water systems. The Nation's water infrastructure includes 75,000 dams and reservoirs, 168,000 public drinking water facilities, 16,000 publicly owned wastewater treatment facilities, and thousands of miles of pipes, aqueducts, water distribution and sewer lines. We have a sense of the vulnerability. Why not protect this piece of critical infrastructure?

The amendment also includes \$100 million for chemical security grants. In March 2003, Homeland Security Secretary Ridge said, "There is no question that when we take a look at a chemical facility, the possibility that terrorists could use that economic asset and turn it into a weapon is something that we need to be concerned about and are concerned about."

Apparently that concern has vanished. Since September 11, the Department of Homeland Security has done little to enhance security at the 66,000 chemical plants across this country. This is frightening, when security experts such as Michael O'Hanlon of the Brookings institution called the threat to chemical plants a "ticking time-bomb."

When Secretary Ridge testified last year he said that the chemical industry was better suited to assess vulnerability and take appropriate security measures than the Federal Government. But earlier this year the Government Accountability Office submitted testimony to Congress saying that "Despite the industry's voluntary efforts, the extent of security preparedness at United States chemical facilities is unknown."

When Information Analysis and Infrastructure Protection Under Secretary Frank Libutti testified in March

before the subcommittee, he said the key in working with the chemical industry was "partnership" between the Federal Government and the private sector. Yet almost in the next sentence, he said industry needs to "belly-up" when it comes to paying for improved security. What kind of partnership is that? We should be taking action now instead of rolling the dice hoping that an attack against a chemical plant does not happen.

My amendment also includes \$50 million for hiring additional Federal air marshals. The administration has failed to meet its goal for hiring air marshals. In fact, the administration has allowed the number of air marshals to drop by 9 percent this year. With numerous terrorist threats against our airlines and a 6-percent increase in the number of flights, why allow the number of critical flights covered by Federal air marshals to drop?

Since 9/11, the administration has increased the threat level risk to Code Orange six times. On September 1, Secretary Ridge spoke before the American Legion's national convention and said:

Terrorists in the 21st century represent a daunting enemy. They represent no country, no cause, no flag, no people—yet they have access to a steady supply of technologies, and funds, and willing recruits. They are undeniably methodical and maniacal in both their weaponry and will. They seek to use chemical, biological and nuclear weapons . . . and before them lays a map of the world.

Mr. President, according to the New York Times, on September 7, Vice President CHENEY said:

It's absolutely essential eight weeks from today, on November 2, we make the right choice, because if we make the wrong choice then the danger is that we'll get hit again and we'll be hit in a way that will be devastating from the standpoint of the United States.

What an irresponsible, what an utterly irresponsible statement for a Vice President of the United States, or for any public officer, to make. Think of that.

Let's read that again. According to the New York Times, on September 7, Vice President CHENEY said:

It's absolutely essential eight weeks from today, on November 2, we make the right choice, because if we make the wrong choice then the danger is that we'll get hit again and we'll be hit in a way that will be devastating from the standpoint of the United States.

How utterly irresponsible. What an irresponsible statement for a public officer to make. If the Vice President were all that interested in homeland security, rather than political posturing, he would be urging his Republican colleagues to support this amendment.

The President has said he would do "whatever it takes" to defend America. If the President was being straight with the American people when he said that, he would be supporting—he would be supporting—this amendment. He would support it. It provides \$2 billion

for a targeted set of programs. It implements several 9/11 Commission recommendations. The amendment funds programs that have been authorized by the Congress but not funded by the President.

We cannot make America safer with empty promises. We cannot make America safer with duct tape. My amendment funds the bricks and mortar of a strong homeland defense. It could save countless lives and it offers real security, not just empty rhetoric. What could be wrong with spending a little more to protect the American people? What could be wrong with keeping a promise? What could be wrong with actually doing "whatever it takes"?

I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator yields the floor, I, during the break—and I called the Senator at his home and told him that I read his book, which at the time I read it was No. 2 on the New York Times Best-seller List. And I told the Senator that I used this book as a text for several townhall meetings I held.

The Senator wrote this book. I will direct the attention of the body to page 112 of the book, "Losing America." I say to the Senator, through the Chair, in this book you have one, two, three—about four pages of detail of times you personally have tried to increase the funding for homeland security. I refer to page 112, where you say:

On November 14, 2001, the White House opposed the inclusion of \$15 billion for homeland security in an economic security package, including \$4 billion for bioterrorism and food safety, \$4.6 billion for emergency first responders and computer improvements at the federal level, \$3.3 billion for transportation security for airports and ports, \$1.1 billion for border security, \$2 billion for security at nuclear power, water, and other facilities and mail screening, warning that such spending "will only expand the size of government." All Senate Republicans voted to block the funding. . . .

Does the Senator recall that?

Mr. BYRD. I recall it.

Mr. REID. I refer to this same page:

On December 4, 2001, the Senate Appropriations Committee unanimously sent the fiscal year 2002 defense appropriations bill to the Senate floor for action. The bill included \$13.1 billion for homeland security.

There was a parliamentary point of order raised by the Republicans that reduced the funding.

Is the Senator aware of that?

Mr. BYRD. Yes, I am aware of it.

Mr. REID. Continuing to quote:

On June 6, 2002, the Senate passed by a vote of 71 to 22 a supplemental money bill that contained \$8.3 billion for homeland security. . . . On June 17, the president's senior advisor recommended a veto of that bill because it contained "excessive" homeland security spending.

Does the Senator recall writing that?

Mr. BYRD. Yes.

Mr. REID. I say through the Chair to the distinguished Senator from West Virginia, I will continue to quote:

In August 2002, the president failed to make an emergency designation for \$2.5 billion for homeland security to specifically address shortcomings identified by the Rudman/Hart Report on terrorism vulnerabilities. . . . Bush said at the time, "I made my opposition clear. We were pretty plain-spoken. . . . We'll spend none of it."

Does the Senator recall that?

Mr. BYRD. Yes.

Mr. REID. I will not list all of these, but suffice it to say, again, on January 16, as reported in your book, there was a vote on an amendment you had offered to add \$5 billion. By a party-line vote that was defeated. It had \$5 billion. You reduced it to \$2 billion. That was defeated by a party-line vote.

On April 2 and April 3, you had amendments which provided \$4.8 billion more than the President requested. All of the amendments were defeated.

On July 24, 2003, I say to Senator BYRD, you—quoting from your book—"offered an amendment to the homeland security bill that would have provided \$292 million for activities such as port security grants, grants to train firefighters to respond to a terrorist attack, funds to help the Coast Guard provide security at our ports, funds for locating terrorism vulnerabilities at chemical plants" and the amendment was defeated on a party-line vote.

Finally, on September 17, 2003, shortly before we recessed:

. . . in the House-Senate conference on the same homeland security appropriations bill, [the Senator from West Virginia] again tried to add homeland security money, \$1.25 billion for port, aviation, Coast Guard, customs, first responders, and chemical facility programs, and [his] amendment failed on a party-line vote.

Continuing to quote from "Losing America," the Senator from West Virginia wrote:

Nobody can convince me that this White House is serious about homeland security.

The Senator, of course, recalls that. Does the Senator still believe that it appears the administration is not serious about homeland security when time after time they refuse to fund these programs that are essential to the State of Nevada and the rest of the country? Does the Senator agree that they haven't shown any seriousness about this?

Mr. BYRD. There is no question about it. Time after time, as the Senator says, they have turned down amendments of this Senate to enhance the security of our people, our facilities, our properties. Time after time after time. Our pleas have fallen upon deaf ears. And in the nearly 3 years since the tragic events of 9/11, I myself have pressed the Senate to provide additional resources for homeland security. The administration, the President, including the great Vice President we have, consistently opposed these efforts. The President went so far as to threaten to veto bills if they included what the administration characterized as "wasteful spending."

There are many examples—let me give a few—of funding contained in

these amendments that certainly would have helped to make America safer. In November of 2001, Senate Democrats supported my amendment to include \$15 billion for homeland security in an economic stimulus package, including \$4 billion for bioterrorism and food safety; \$4.6 billion for State and local law enforcement and fire training and equipment and Federal computer improvements; \$3.3 billion for transportation security, including airport and port security; \$1.1 billion for border security; \$2.0 billion for security at nuclear power, water, and other critical infrastructure facilities, and for mail screening. The White House opposed the effort, warning of "permanent spending on other projects that have nothing to do with stimulus and that will only expand the size of government."

I could go on with example after example. But I shall simply ask unanimous consent that there be printed in the RECORD a litany of these projects.

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

BYRD AMENDMENT

Provides an additional \$2 billion for the following Homeland Security functions:

\$665 million for the Office of State and Local Government Coordination and Preparedness (\$440 million for discretionary grants for use in high-threat, high density urban areas; \$125 million for port security grants; and \$100 million for grants for interoperable communications equipment);

\$350 million for Mass Transit and Rail Security;

\$324 million for the Integrated Deepwater Systems program of the Coast Guard;

\$100 million for screening passengers and carry-on baggage for explosives by Transportation Security Administration Aviation Security;

\$100 million for Custom and Border Protection Salaries (\$50 million for purchase and deployment of radiation portal monitors and \$50 million for staffing at the northern border);

\$11 million for detentions and removals by Immigration and Customs Enforcement;

\$50 million for Federal Air Marshalls;

\$4 million for hazardous materials security grants of the Transportation Security Administration;

\$50 million to secure high risk non-profit organizations;

\$46 million for Firefighter Assistance Grants;

\$100 million for Firefighter Hiring Grants; and

\$200 million for Information Analysis and Infrastructure Protection.

Mr. BYRD. The President has tried to convince the American people that they are safer because he created a new Department of Homeland Security. Well, reorganizing the deck chairs of our bureaucracy does not make us safer. It takes money. Money.

I have offered this amendment in the hopes the Senate will accept it and that we might take it to conference. This is an opportunity to do what we should do in order to save our people and their homes.

I thank my distinguished friend from Nevada for his contribution to this de-

bate. I thank my friend from Mississippi, the distinguished chairman of the subcommittee on which I serve, the subcommittee making appropriations for homeland security. I thank that Senator. He does the best he can do and has done the best he can do, but he is limited in what he can do. I thank him for his cooperation, for his manner of holding the hearings. He has always been very fair. I thank him. I thank other members of the subcommittee.

But we need to do more. My amendment is an opportunity for the Senate to do more.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, the distinguished Senator from West Virginia has offered an amendment that would increase the Homeland Security appropriations bill, according to the CBO, by \$2 billion.

A variety of accounts are included in the amendment for increases. The Customs and Border Protection account, for example, would be increased under the Senator's amendment by \$50 million for northern border staffing and \$50 million for radiation detectors at ports of entry.

The bill we have before us already includes a \$50 million increase for radiation detectors. The Department has met the goal already of tripling the number of border patrol agents on the northern border. Funds were provided last year in the Homeland Security appropriations bill to ensure that more border patrol agents would be deployed on the northern border. We have provided significant increases for inspector staffing since September 11, 2001. We have included funds, for example, for radiation detection equipment and other detection systems along the northern border.

Last year, Congress provided funding for the permanent establishment of the first northern border air wing to be located in Bellingham, WA. Resources are being made available for a second northern border air wing in New York. We expect further funds will be requested to continue the expansion of coverage of the northern border in future years. It is a challenging undertaking. That border covers over 5,000 miles. It is a daunting task. We cannot accomplish in 1 year or with one amendment all of the goals we have to enhance and improve the protection of our homeland by more sophisticated, more modern deployments along the northern border, but we are making and have made important strides. We cannot achieve every goal immediately. It is going to take time.

My suggestion in opposing this amendment is that we are appropriately identifying the priorities and making the funds available to achieve the goals in a thoughtful, coherent, and successful fashion. The administration is proposing increases in these accounts. We have accommodated those proposals. We have added to many of

the proposals over and above what the administration has requested.

Another example in this amendment offered by my friend proposes a \$50 million increase in the Federal Air Marshal program. The Department has worked to supplement resources for these activities by using transfer authority to increase resources. The Department has used other Federal law enforcement officers to provide additional flight coverage on commercial airliners as needed. The committee recognizes in this bill the needs of this organization, and we have provided an additional \$50 million in this bill for this next fiscal year for Federal Air Marshals out of additional funds provided to this Committee.

Another account is Immigration and Customs Enforcement. The Senator's amendment would add an additional \$11 million for the Immigration and Customs Enforcement, Alternatives to Detention program. The bill already provides \$14.2 million—an increase of \$11 million—providing funding for 30 new positions, as requested by the President, to expand the Alternatives to Detention program. This amendment, if we agree to it, would expand the program 12-fold in a single year.

Another account, Transportation Security Administration. The Senator's amendment proposes a \$104 million increase for the Transportation Security Administration for enhanced passenger checkpoint screening and hazardous material security grants. Last year, our committee proposed and Congress approved \$153.2 million for these activities. In this bill for next year, we have included \$344.3 million for passenger and baggage screener training of all newly hired screeners and for recurrent and advanced technical training for the entire screener workforce to meet proficiency and qualification standards. In addition to the training of screeners, funding is included for an annual proficiency evaluation of all screeners and supervisors to ensure that the screener workforce meets all of the qualifications and standards required to perform their duties as required by the Aviation Transportation Security Act.

For this fiscal year, 2004, \$33 million was made available for airport passenger security checkpoint support. For this next fiscal year, in this bill we provide \$161 million—\$128 million more than last year's level and \$75 million more than the President's request. This bill is meeting the challenge. We are providing the funds that will enable the Department of Homeland Security to have well-trained, well-qualified personnel doing these jobs in our airports, that will meet the requirements of the law and also meet the expectations we all have to use the airlines for qualified, capable, and dependable workforce participants.

The additional funding we have provided above the President's request is available also to deploy explosive trace detection portals, taking advantage of new technologies that are being devel-

oped which help ensure that we do the best possible job, the most thorough job of making sure people are not getting on the airplanes with explosive materials. This is something the distinguished Senator from West Virginia has made a point of in our hearings and in statements on the Senate floor—the challenge that is provided by these dangers. We are doing what ought to be done by providing the funds to take advantage of new technology, to encourage development of new technology to help us meet these goals.

The Senator's amendment also proposes a \$324 million increase in the Coast Guard's Deepwater capitalization budget. I am excited about the Deepwater Program and the plans the Coast Guard has for modernizing and improving its fleet. This needs to be done. In testimony in our hearings, we learned that some of our Coast Guard cutters have hulls that are rusting away. Some are dangerous to operate. They are a threat in some cases to the men and women who serve in the Coast Guard. We cannot tolerate that. So it is time for us to make new investments in refurbishing and building new ships and boats for the Coast Guard, and other equipment, such as helicopters. The whole point is the bill we presented to the Senate, though, funds each asset requested in the budget within the Coast Guard's acquisition, construction, and improvement account. It has requested funds it can reasonably and efficiently use in the next fiscal year, and our committee has recognized and agreed with this need to address the top priorities of the Coast Guard sooner rather than later.

So we have increased the funding for reengineering the HH-65 helicopter and have moved forward the plan design of the offshore patrol cutter.

You cannot build a ship, though, before it is designed. You cannot modernize before you have the preliminary work done. So what we are doing is providing the funds that can be used by the Coast Guard to advance the construction program and to modernize their fleet.

The bill before us has already increased the Deepwater account \$98 million above the President's request. We are bordering on overdoing it already, but I am satisfied these additions are necessary and they are justified. Going to the level proposed in this amendment is overdoing it.

In the Office of State and Local Government Coordination and Preparedness, the distinguished Senator's amendment would add over \$700 million to the First Responder Grant Programs.

Some Senators have suggested that we carefully review the Hart-Rudman report, which I did when I was asked to serve as chairman of this subcommittee and talked with my good friend, the former Senator from New Hampshire, who helped write that report to get his thoughts and to find out all I could about their suggestions.

What they suggested was there was a \$98 billion unfunded need for first responders, but the report says this: The budget estimates are preliminary and the estimates they make in their report are preliminary. It depends upon other factors. And the report "cannot be more precise in the absence of systematic national requirements methodology and that the development of such a methodology is badly needed."

Rather than bank on a number that was reached up and brought out of thin air, the administration has gone to a more authoritative Commission that was given the responsibility of doing what they said, and that is to develop a methodology.

That has been done and suggested by the Commission, the Gilmore Commission. It is an advisory panel to assess domestic response capabilities for terrorism involving weapons of mass destruction.

The Gilmore Commission's final report, which was issued in December of 2003, includes the following statement:

Prognostication about the amount of funding that the Federal Government should provide in the near future is premature at best. Recent calls for the funding upward of \$100 billion is, in our view, not the wisest approach. Federal funds have started to flow. Absent a more clear articulation of an end state and the levels of preparedness sought to be achieved with some reasonable way to measure our efforts, any attempts to establish an overall price tag is mere speculation and could be politically unwise.

I agree with that. We have carefully reviewed at our hearings the testimony of experts, those who are in the administration as well who have responsibilities for administering these programs. We have questioned them. We have cross-examined them to find out what the facts are, what are the needs.

There is adequate funding in the pipeline, I suggest, now for first responder grants. A pipeline is only so big. You can stuff it full of money and you stop the flow. We do not want to do that. So I think we have to be careful about how much we direct the administration to spend and make sure it can be efficiently used, effectively used, and will achieve the goals we all share.

I am hopeful the Senate will agree that we should not overdo it. We do not need to overspend, and overspending is not going to make us a safer or more secure Nation. Throwing money at complex, technical problems will not produce the results we need for a safer and more secure homeland.

Having said those things in an effort to put in context the proposal that is before the Senate from the distinguished Senator from West Virginia, and my views, at least, of why we should support the committee's recommendation, additionally, I am constrained to observe that because of the Congressional Budget Office assessment that this amendment would call for spending \$1.889 billion in additional funds, over and above the \$32 billion that is already included in this bill, it is beyond the allocation of the committee, as agreed to by the Senate

Committee on Appropriations yesterday. And because it exceeds that allocation, I am constrained to make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I had the good fortune, when I was home this past break, to meet all the sheriffs of Nevada. They have a lot of problems with the unfunded mandate because of the homeland security—

Mr. COCHRAN. Mr. President, haven't I made a point of order? Doesn't that require a ruling of the Chair?

The PRESIDING OFFICER. A point of order has been made against the pending amendment.

Mr. REID. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I did not hear the point of order as it was being made, but I understand it has been made.

Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays. But I also ask unanimous consent, Mr. President, that there may be a few minutes for debate of the point of order and/or the motion to waive.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, I have no objection to there being some opportunity for debate for those who may want to debate it. I hope we can move to a vote on the motion to waive, and it should not be delayed. I understand the Democrats have a luncheon they are looking to attend some time around quarter of 1. I hope we can vote before then.

The PRESIDING OFFICER. Without objection, it is so ordered. There will be time for debate on the motion to waive.

Is there a sufficient second on the yeas and nays?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I will be brief. I met with the chief law enforcement officers of the counties of Nevada. Without any hesitation, they said they are having tremendous difficulties meeting their responsibilities because of the unfunded mandates that have been required as a result of this homeland security problem that faces all America.

As an example, I say to the two managers of the bill, one big problem we have is inoperability. They cannot communicate with each other through their radio, not only police, but they cannot speak to the fire officials. That

is something that needs to be done. That is not covered in this bill.

With the additional funding that is requested by the Senator from West Virginia, we could start that program, something that is so important and needs to be done, and the sheriffs and law enforcement officers of Nevada need that very badly. Inoperability of communications is important. With regard to the gates and the screening, one reason we have these tremendously long lines all over America is we do not have enough people to do the work.

We need to hire some more people. I appreciate what the Senator from Mississippi said, that we are doing more training. We need to accelerate this significantly.

I say to my friends, the managers of this bill, we, of course, are faced with the problem—the Senator from Mississippi says, well, the committee is funding what the administration requests. That is the whole problem. They are not requesting enough. The fact that they are meeting what the administration has suggested is not appropriate. There is a lot more that needs to be done and I again refer to "Losing America: Confronting a Reckless and Arrogant Presidency," which shows in script, beginning on page 98, but specifically this morning I referred to pages 112 through 115, where we have tried time and again to see if we could get funding for problems that are so important to this country, programs that deal with seaports, airports, border security, nuclear facilities, first responders, and we have been turned down every time.

Last year, when we approved funding for Iraq early in the year of \$69 billion, later in the year of \$87 billion in supplemental funding, could we not spend \$2 billion rather than in Iraq and use it at home and take care of the law enforcement officers in Nevada, take care of all the other requests we have to make our homeland more secure?

I ask unanimous consent that I be added as a cosponsor to Byrd amendment No. 3597 and extend my appreciation to the Senator for offering this amendment.

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

The Senator from West Virginia.

Mr. BYRD. How much time do we have remaining?

The PRESIDING OFFICER. No specific debate time was allocated.

Mr. BYRD. Very well. Mr. President, I commend the chairman for the work he has done. Nothing I have said is in any way any criticism of his work. I commend him for producing a balanced bill. Given the constraints under which we are being forced to operate, he has done his best. I have no criticism of him whatsoever, but I would argue that \$2 billion is not that large for the very short list of programs in this amendment that address vulnerabilities that are well known. Indeed, most of these programs have been authorized by the Congress and the President and this

amendment tries to provide the authorized funding.

Regarding the Deepwater Program, the Coast Guard authorization bill Public Law 108-293 authorizes \$1.1 billion for the Coast Guard's Deepwater Acquisition Program. My amendment provides an additional \$324 million to meet the authorization level for this critical activity.

It was the USA PATRIOT Act, Public Law 107-56, which authorized a tripling of the number of border patrol agents and legacy immigration and Customs agents on the northern border. That law was passed nearly 3 years ago and this administration has failed to provide the funds to meet the authorization. My amendment adds \$50 million so we can get nearly one-third of the way toward meeting the requirements of the law.

The Maritime Transportation Security Act, Public Law 107-295, created the Port Security Grant Program. It called upon the Coast Guard to provide estimates of the costs for that program. The Coast Guard has estimated that \$1.125 billion will be needed in the first year and \$5.4 billion will be needed over the next 10 years for the ports to comply with the Federal regulations mandated by the Maritime Transportation Security Act which was signed into law by President Bush with great fanfare in November 2002.

Despite the President's paucity of funding requests to implement the law, the Congress has stepped up to the plate and has appropriated a total of \$493 million towards these grants.

The Senate version of the budget resolution assumed that \$275 million will be appropriated for port security grants in fiscal year 2005. The bill before us today provides \$150 million. By adopting this amendment, the Congress still will have provided over 4 years only \$768 million of the Coast Guard's first-year cost estimate of \$1.125 billion for port security grants, but the additional \$125 million in this amendment will meet the assumption for port security grants made in the Senate budget resolution.

On May 6, 2004, the Senate Banking Committee, on a bipartisan basis, reported S. 2453 which authorizes \$5.2 billion over the period of fiscal year 2005-2007 for transit security activities under its jurisdiction. On May 21, 2004, the Senate Commerce Committee, also on a bipartisan basis, reported S. 2273 which authorizes more than \$1 billion for rail security activities under its jurisdiction over the period of fiscal year 2005-2009. My amendment provides \$350 million in security grants to rail and transit systems. Combined with the funds provided in the committee-reported bill, we still fall more than halfway short in meeting the requirements of these bills. The authorization bills and the laws written and passed by this Congress by overwhelming margins and signed into law by the President clearly demonstrate a far greater funding

need than that contained in my amendment. My amendment, which would implement several 9/11 Commission recommendations, is but a small step in meeting the homeland security requirements authorized already by the Congress.

The President has said he would do whatever it takes. However, his budget takes a hike when it comes to actually funding homeland security.

I note that, and I agree with Chairman COCHRAN, we must operate within limits on spending, but the limits must be set at a level that allows the Congress to fund homeland security programs that address clear dangers. We are debating an amendment that provides \$2 billion for securing our homeland. In the last 3 years, the President has signed three tax cuts. These tax cuts increased our Federal deficit for fiscal year 2005 by \$232 billion. Where were the limits? Where were the limits on the tax cuts? Where are those voices who say we are overdoing it in this amendment? Where were they when it came to the tax cuts? Did we overdo the tax cuts?

The President increased our deficits for fiscal year 2005 by \$232 billion in tax cuts, but we cannot afford \$2 billion today for securing our rail systems, for securing our chemical plants, or making sure a terrorist does not blow another plane out of the sky.

In summary, in the nearly 3 years since the tragic events of 9/11, I have pressed the Senate to provide additional resources for homeland security and the President consistently opposed those efforts. He went so far as to threaten to veto bills if they included what the administration characterized as wasteful spending. Let me give a few examples of funding contained in those amendments that certainly would have helped make America safer.

In November of 2001, Senate Democrats supported my amendment to include \$15 billion for homeland security in an economic stimulus package, including \$4 billion for bioterrorism and food safety, \$4.6 billion for State and local law enforcement and fire training and equipment and Federal computer improvements, \$3.3 billion for transportation security, including airport and port security, \$1.1 billion for border security, \$2.0 billion for security at nuclear power, water, and other critical infrastructure facilities, and for mail screening. The White House opposed the effort, warning of "permanent spending on other projects that have nothing to do with stimulus and that will only expand the size of Government."

On November 28, 2001, Office of Homeland Security Director Tom Ridge wrote to me and said, "... no additional resources to protect the homeland beyond what the President has already requested are needed at this time."

Senate Republicans, under pressure from the White House, objected to the "emergency designation" for the home-

land security funding and voted to block the funding.

On December 4, 2001, the Senate Appropriations Committee reported, by a vote of 29-0, the fiscal year 2002 Defense appropriations bill. This bill included \$13.1 billion for homeland security programs, \$8.7 billion above the President's request. In a meeting with congressional leaders, President Bush threatened to veto the Defense appropriations bill that contained the additional homeland security funding.

On December 6, 2001, Senate Republicans, voted against the "emergency designation" for the homeland security funding. As a result, homeland security funding was reduced by \$4.6 billion, from \$13.1 billion to \$8.5 billion.

Under further pressure from the White House, conferees further reduced homeland defense funding from \$8.5 billion to \$8.3 billion, a level that was still \$3.9 billion above the President's request. In reducing the funding from \$13.1 billion to \$8.3 billion, funding was reduced for bioterrorism and food safety, border security, airport security, port security, nuclear facility security, and postal security.

In June of 2002, by a bipartisan vote of 71-22, the Senate passed a supplemental appropriations bill that included \$8.3 billion for homeland security. The funding was allocated based on a series of five bipartisan hearings held by the Senate Appropriations Committee when the committee heard testimony from Governors, mayors, police, fire fighters, emergency medical and other first responders, port security specialists and other experts in the field of counterterrorism, seven cabinet officers and the Director of the Federal Emergency Management Agency.

On June 17, 2002, the President's senior advisors recommended a veto of the Senate version of the supplemental bill because it included what they asserted was excessive homeland security spending.

Under pressure from the White House, the conferees agreed to reduce homeland defense funding from \$8.3 billion to \$6.7 billion. Funding was reduced for food safety, for cyber security, for solving the first responder radio interoperability problem, for nuclear security, for increased lab capacity to determine whether biological or chemical weapons have been used in a potential attack, for airport security, port security, and water security.

Then, in August of 2002, the President refused to spend \$2.5 billion that Congress had approved for homeland security. The President chose not to make the emergency designation, asserting that the contingency emergency fund contained wasteful spending.

In making that decision, the President blocked funding for homeland defense programs that would have specifically addressed known shortcomings including: firefighting grants; security improvements at our nuclear plants and labs; grants to make police and fire

communications equipment interoperable in response to weaknesses identified on September 11; port security grants; airport security funding, including funds for more Federal air marshals; Coast Guard funding; law enforcement resources for State and local governments for police equipment and training; FBI funding for counter terrorism and information technology enhancements; urban search and rescue teams; cyber security improvements to protect our economy; food and water security, including funds for addressing the threat of mad cow disease; border security; dam and reservoir security; and Customs Service funds to increase the number and quality of the inspections of the six million cargo containers that come into this country each year.

President Bush announced at his economic forum in Texas that he was rejecting the \$2.5 billion bipartisan homeland security funding package. President Bush said, "I made my opposition clear. We were pretty plain-spoken. . . I understand Congress's position, and today, they're going to learn mine. We'll spend none of it."

In connection with the fiscal year 2003 omnibus appropriations legislation, the White House said, "the administration strongly opposes amendments to add new extraneous spending to the package." On January 16, 2003, Senate Republicans fell in line behind the President and voted 45-51 to defeat an amendment that I offered to add \$5 billion for homeland security activities for port security, airport security, border security, nuclear security, and for implementing the President's smallpox vaccine plan.

My amendment included \$300 million for mass transit security. Perhaps if that amendment had been adopted, we would be better prepared today to prevent a terrorist attack on our subways, buses and trains.

On January 29, 2003, the President, in his State of the Union message to the Congress said, "Whatever action is required, whenever action is necessary, I will defend the freedom and security of the American people."

Three months later, on April 2 and 3, 2003, the White House opposed all five amendments that I prepared for consideration on the fiscal year 2003 emergency Iraq/Afghanistan war supplemental to increase funding for homeland security programs. In total, the amendments would have provided \$9 billion, \$4.8 billion more than the President requested. All of the amendments were defeated on virtual party-line votes. Funding was rejected for radiation and portal monitors, for grants to public transit agencies for security of transit facilities against chemical, biological, and other terrorist threats, for grants to improve communications within and among first responders, for funds for the Coast Guard to implement the Automated Identification System and other tracking systems to

actively track and monitor vessels operating in United States waters, for port security, and for the FBI.

Then, in July of 2003, I offered an amendment to the fiscal year 2004 Homeland Security appropriations bill to add \$1.75 billion for homeland security programs. The amendment was defeated 43-50. The amendment included funds to implement several authorization laws that the President had signed shortly after 9/11, but then failed to either adequately fund or fund at all, including the Maritime Transportation Security Act of 2002, the Enhanced Border Security and Visa Entry Reform Act of 2002, the Aviation and Transportation Security Act, and the USA PATRIOT Act. Once again, funding was rejected for mass-transit security, for securing the northern border, for air-cargo security, for port security and for first responders.

In the September 2003 conference on the fiscal year 2004 Homeland Security appropriations bill, I tried again to add \$1.25 billion to the bill, and the effort was defeated on party-line vote of the conferees of 8-9. The amendment would have added \$375 million for port security grants, \$400 million for aviation security, \$66 million for implementation of port security enhancements required by the Maritime Transportation Security Act, \$34 million for the Coast Guard Deepwater Program, \$125 million for 1,300 additional Customs inspectors at the borders, \$200 million for first responder grants, and \$50 million to enhance security at chemical facilities.

I urge that the Senate waive the point of order.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the distinguished Senator from Nevada made a couple of points that I think require response. One was that no funds are available in this bill for local law enforcement and other first responders for interoperable communications and other new technologies. The Senator is correct, we are not directly funding local law enforcement officials' interoperable communications needs, but they are eligible for funds provided to States in this bill by the Office of State and Local Government Coordination and Preparedness to help improve technologies, communications equipment, training, and other activities that are important to enhance the capabilities of the first responders, whether they are fire departments, law enforcement officials, or the like.

We are providing funds in broad grant programs to States and localities in order for them to have the ability to make the decisions at a local level in determining what their greatest needs may be.

In addition, the National Sheriffs Association, for example, has developed a nationwide program for other sheriffs' departments—the Pegasus Program—I know some sheriffs in my State are actively involved in helping convince others they ought to take advantage of

that program. I know another program in my State that has gotten Federal funds from the Justice Department and is available on the Mississippi Gulf Coast now, a new interoperable communications system, computer based, where laptop computer capability will be available in patrol cars, other vehicles, and in police stations, in sheriffs' departments along the Mississippi Gulf Coast so they can keep up with what each jurisdiction is doing. They will know if an arrest has been made of someone who may have escaped from a jail in one of the adjoining counties.

All of these law enforcement officials along the coast will be able to have access to that information immediately because of this new system.

So opportunities are available to local jurisdictions to take advantage of new programs that are being developed and made available to help achieve the goals that my friend talks about. We all share those goals.

One other point on that subject. The committee provides in this bill, \$30 million "for direct technical assistance to State and local governments." And, of this amount, \$20 million, it says in the report on page 57, "is for the Interoperable Communication Technical Assistance program to enhance interoperability of public safety communications." So technical assistance is available directly from funds that are in this bill to achieve the goals to which the Senator from Nevada has alluded.

We are encouraging the Department to consider designating a lead organization within the Department to provide technical assistance for interoperable communications. I think we are meeting our challenge in this area under the restraints that we have to impose. We can't fund everything directly. We don't want to get in the business of choosing one communications system over another, and I haven't meant to do that by pointing out two in my State that I happen to know about. We are letting local jurisdictions make those decisions. We do not have to make those decisions as Members of the Senate. We are not competent to make those decisions. So I don't want to start writing into our bill a specific communication system and then funding it and trying to make it available to all of the jurisdictions throughout the United States. We would run out of money quickly if we tried to do that.

But I think we are meeting the challenge, and I hope Senators will agree and will support the point of order and vote against the motion to waive the point of order.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Mississippi knows how much I care about him and respect him. But \$20 million for interoperability is so short of what is needed. The 9/11 Commission Report states, among other things:

... high risk urban areas such as New York City and Washington, D.C., should establish

signal corps units to ensure communications connectivity between and among civil authorities, local first responders, and the National Guard. Federal funding of such units should be given high priority by Congress.

The city of New York alone is more than \$20 million. The State of Nevada is around \$6 or \$7 million. So \$20 million is a literal drop in the bucket. I repeat, if we can, through supplemental funding, provide \$69 billion, \$87 billion in 1 year in supplemental funding for Iraq, couldn't we spend a few dollars for America to be safer? It appears this administration does not believe we should.

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. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. ROCKEFELLER. Mr. President, I am proud to cosponsor and to speak in support of the amendment offered today by my colleague from West Virginia, Senator BYRD. As Members of Congress, our most sacred duty is protecting our fellow Americans. We do this in several ways, of course, by supporting our troops at home and abroad, by our oversight of the intelligence community, and now, with the creation of the Department of Homeland Security, with an annual appropriation to fund the security activities of the various agencies that make up DHS, and to fund grant programs to States, localities, and private industry to make certain that citizens of the United States are protected from terrorist attacks, life-threatening accidents, and acts of God.

In the last 3 years I have sat down with hundreds of first responders around my State of West Virginia, as well as local elected officials and experts from my State's core industries, to discuss what they were doing to protect West Virginians, and to hear from them directly where they needed help from the Federal Government. I am sure that each of my colleagues has had similar meetings. While I would not presume to know specifically what was said at these meetings, I would be willing to wager that no member of Congress heard anything other than "We have huge unmet security needs and we need Federal resources to make our country safer."

When we created the Department of Homeland Security, and when we authorized many billions of dollars in additional funding to protect this Nation, I am sure we convinced some people that we had learned the harsh lessons of September 11. In fact, I think we have done well making increased safety and security priority issues for the Federal Government and for all Americans. Unfortunately, we have fallen short on addressing these needs, and the Byrd amendment is a very good

step in the right direction. This amendment would not do everything that needs to be done for Congress to be able to say we are delivering the goods to our first responders, State and local officials, and to the industries that make up our critical infrastructure, but it would be a much-needed boost for all those trying to make America safer.

I commend Senator BYRD for making his usual strong, principled stand on this matter. Let me be clear, too, that I do not believe the funding levels in the underlying bill reflect any lack of understanding of the scope of the problem on the part of our colleagues on the other side of the aisle. The chairman of the Homeland Security Subcommittee, my friend, Senator COCHRAN, has done very well with the amount he was given to distribute. The problem is, quite simply, that the administration's past policy choices—and the need to adequately support our troops in Iraq and Afghanistan—have left Senator COCHRAN and his fellow appropriators with too little to do this all-important job.

It is not a question, let me reiterate, of our Republican colleagues or the President not wanting to see our Nation adequately protected. I do question, I am sad to say, the idea that it is vitally important to make unaffordable tax cuts permanent, but it is not more immediately important to secure our chemical facilities, our railroads, our electricity grid, or provide training and technical assistance to our firefighters and emergency medical personnel.

I hope that my colleagues will see just how important this is. It would be a tragedy beyond measure if we failed to do the right thing when we had the chance, and only provided funding, for instance, to fix the problem of interoperable radios after another tragedy where first responders were at risk because they could not talk to each other.

Mr. DORGAN. Mr. President, I support the Byrd amendment because I think that it includes important investments in our homeland security. For example, the amendment includes over \$500 million for interoperability for our first responders. It includes \$125 million for port security grants so that we can increase our surveillance of the thousands of containers that enter our country. And it includes \$111 million for border security. Overall, the amendment provides \$2 billion in 11 key areas that desperately need increased funding.

In its current form, this amendment does not include any offsetting reductions to pay for the new investments. If this amendment is adopted today—and I hope that it will be—I intend to work with the conferees to offset these increases by reducing funds that have been earmarked for Iraqi reconstruction. I believe this expenditure should be offset with these other spending cuts.

Iraq is a nation that sits on some of the largest oil reserves in the world.

My view is that Iraq should pay for its own reconstruction.

Last year, this Congress acted in an expedited way to appropriate \$18.4 billion for Iraqi reconstruction. And yet, 10 months later, most of that money is still unspent. Less than \$1 billion has been actually expended and only about \$7 billion has been obligated.

Therefore, I support Senator BYRD's amendment and I will vote for it today. But my intention is to push for the rescission of those unobligated Iraqi reconstruction funds and use them to offset the needed security investments that have been identified by Senator BYRD.

Mr. BURNS. Mr. President, I ask unanimous consent that the vote on the motion to waive with respect to the Byrd amendment occur at 2 p.m. this afternoon; provided further that the amendment be temporarily set aside in order for Senator DODD to offer the next amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, what is contemplated—we think it will work out—is we will have two votes at 2 o'clock. The majority has not had an opportunity to look at the amendment of the Senator from Connecticut and the Senator from Michigan, Mr. DODD and Ms. STABENOW. But as soon as they do, I think we will be able to vote at 2 o'clock. In the meantime, until that happens, we agree to the unanimous consent of the Senator from Montana.

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

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

AMENDMENT NO. 3604

Mr. DODD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. KENNEDY, and Ms. STABENOW, proposes an amendment numbered 3604.

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

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

The amendment is as follows:

(Purpose: To increase the amount provided for first responder programs, and to provide offsets)

On page 19, line 17, strike "\$2,845,081,000" and insert "\$11,552,000,000."

On page 21, strike lines 14 through 20 and insert the following:

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by sections 33 and 34 of the Federal

Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a), to remain available until September 30, 2006, \$4,000,000,000, of which \$3,000,000,000 shall be available for necessary expenses for programs authorized by section 33 of such Act and \$1,000,000,000 shall be available for necessary expenses for programs authorized by section 34 of such Act: *Provided*, That not to exceed 5 percent of the amount provided for the programs under each such section shall be available for program administration.

On page 22, line 3, strike "\$180,000,000" and insert "\$660,000,000".

On page 28, line 21, strike "\$181,440,000" and insert "\$690,994,000".

On page 39, between lines 5 and 6, insert the following:

SEC. 515. The total amount appropriated by title III for the Office of the Under Secretary for Emergency Preparedness and Response under the headings "PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY", "ADMINISTRATIVE AND REGIONAL OPERATIONS", and "PUBLIC HEALTH PROGRAMS" is hereby increased by \$2,845,766,000.

SEC. 516. The Secretary of the Treasury shall take such action as is necessary to reduce benefits provided by the Economic Growth and Tax Relief Reconciliation Act of 2001 to individuals with an adjusted gross income of \$1,000,000 or more that will result in an increase in revenue sufficient to offset the increased funding provided for the first responder and other programs by this amendment.

Mr. DODD. Mr. President, on behalf of myself and my good friend from Michigan, Senator STABENOW, we are once again offering an amendment which deals with the underlying issue of this debate, and that is the adequacy of our resources to the homeland security effort.

In recent days we have heard the Vice President of the United States suggesting that we ought not enter the mindset of a pre-9/11. I couldn't agree more. It is a dangerous thing for this country to forget what our Nation went through 3 years ago come Monday. Certainly, what we are suggesting with this amendment we are offering—Senator STABENOW, myself, and Senator KENNEDY—is to put some real resources, a real effort behind the homeland security effort.

We have put this amendment together not based on our conclusions individually of what ought to be a part of the Homeland Security Appropriations Act. Rather, we draw upon the tremendous work done by a former colleague of ours, Senator Warren Rudman, and his report that was produced by experts in conjunction with the Council on Foreign Relations. A significant amount of time was spent to assess the adequacy of our first responders and whether we have in place across this country 3 years after the brutal attacks of 9/11 the resources, the personnel, the equipment, and the training necessary to provide the protections this country needs if, Lord forbid, we are attacked again by terrorists.

That report concludes that we are woefully inadequate to meet those challenges with which we are confronted. It lays out in detail suggestions as to what needs to be done in

order to make us better prepared to respond to those situations. So we are offering this amendment in the same spirit in which our colleague from West Virginia offered his amendment. It is out of a deep concern we are not doing enough to protect our Nation from the risk of a terrorist attack.

Last June, former Senator Warren Rudman, with a very distinguished panel of experts, produced a report sponsored by the Council on Foreign Relations. Their report concluded that we must spend at least \$98 billion over the next 5 years in order to provide a reasonable degree of security here at home.

The Council on Foreign Relations report was not just another study thrown together over a few days; it was authored by a friend and former colleague from New Hampshire, Warren Rudman. He assembled a very distinguished group of Americans to serve on a task force which wrote the July 2003 report. The task force members included Richard Clarke, a former counterterrorism adviser for three Presidents. It also included Admiral William Crowe, former Chairman of the Joint Chiefs of Staff under President Reagan; George Shultz, President Reagan's Secretary of State; Harold Varmus, former Director of the National Institutes of Health under President Clinton; William Webster, who served both as the Director of the CIA and the FBI in the 1980s and 1990s, among many others.

Regrettably, 1 year later, the urgent recommendations of this very distinguished panel—a very comprehensive study—have been almost totally ignored by the leadership of the Congress and the executive branch. According to the Rudman report:

Estimated combined federal, state and local expenditures . . . would need to be as much as tripled over the next five years to address the unmanned need. Covering this funding shortfall using federal funds alone would require a five-fold increase from the current levels.

So, depending upon the level of State and local funding available, the Federal Government should be committing between \$15 and \$25 billion per year according to the Council on Foreign Relations. If \$15 billion to \$25 billion a year is what it takes to get the job done, that is what we ought to be providing. Unfortunately, the bill before the Senate only commits about \$3.4 billion a year, which is a fifth of what is really needed to support our first responders.

The amendment Senator STABENOW and I are offering would commit a full \$20 billion necessary in fiscal year 2005 and would set us on the path toward meeting the Council on Foreign Relations' recommendations for first responder investments over the next 5 years. I realize \$20 billion a year is a lot of money. I would like to put that number into context, if I may.

First, I don't believe that any of my colleagues who served with Warren Rudman or know Warren Rudman

would call him free spending. In fact, when one hears the words "deficit hawk," you often think immediately of Warren Rudman. He led the Concord Coalition in the mid 1990s with another friend and former colleague, the late Paul Tsongas of Massachusetts. He fought tirelessly for deficit reduction and balanced budgets while serving in the Senate. He also lent his name to the landmark 1985 Gramm-Rudman-Hollings Balanced Budget and Emergency Deficit Control Act, of which I was honored to be a cosponsor at the time. So when Warren Rudman says we need to be spending \$20 billion a year for our Nation's first responders, I think we need to take his advice very seriously.

When George Shultz, when Mr. Webster, when Admiral Crowe and others make these recommendations, we are not talking about people who do not know what they are talking about. We are talking about some of the most serious public servants of the last two or three decades, people who have taken a serious look at our needs, a serious look at the threats facing us, in a bipartisan way, and have urged this Congress to do a better job in seeing to it that the American public is protected from the dangers of a terrorist attack by insisting that our first responders receive the necessary tools they ought to have in order to respond.

We should also keep in mind that the current Department of Defense budget is about \$400 billion per year—that is more than a billion a day we are investing on our military security. If we would allocate an additional \$20 billion a year for first responders, as the Rudman report recommends, our amendment would provide only 5 percent of the total defense budget. Isn't 5 percent of that budget worth it in order to provide more protection to the American citizens at home?

By the way, that \$400 million does not necessarily include the money we are spending in Afghanistan and Iraq. Iraq alone is \$200 billion we have already spent in that particular conflict.

We are also spending billions of dollars, as I mentioned, to sustain our efforts in Afghanistan and Iraq. I believe that \$20 billion a year is a good investment to ensure our urgent homeland security needs are going to be met. Again, focusing \$20 billion on domestic security would represent only a fraction of 1 year's military budget. If we committed the entire amount identified in the Warren Rudman report—\$98 billion—it would only be 90 days' worth of military spending in any given year.

If we as a nation can find the resources we need to ensure our military security, and I believe we should, then we must make a similar commitment to find the resources we need to ensure that the domestic defenders of our Nation are also equipped to provide domestic security. We do not send our military personnel into battle without the equipment they need to do their jobs, and we should not send our law

enforcement personnel, our firefighters, our emergency medical technicians, out into a field without equipping them with what they need. We do not send our military into battle without the training to succeed. We should not send our domestic defenders into the field without proper training, either. We do not send our military to battle without sufficient human resources, and we should not send our firefighters into dangerous situations without the backup they need in order to ensure their safety.

In the 3 years since September 11, we have made progress. But we also know categorically that we are not doing enough and we need to do more. If the choice is between tax cuts that we cannot afford and securing the public against the now known threats of terrorism, I believe the choice is simple. We must act responsibly to protect the public we serve. To not do so and then be attacked, then to not look back and wonder why we did not take the necessary steps, would be an indictment against this Congress and the people who are unwilling to step up and provide the resources we need at the local and State level.

September 11 was one of the darkest days in our history. We all know that. We have heard about it. We all feel it very painfully. The simultaneous attacks on the World Trade Center and the Pentagon as well as the battle in the airspace over Pennsylvania was the deadliest foreign attack ever launched against the citizenry of this great country of ours.

September 11 drew our attention to a fact that experts had known for years—namely, that the United States is vulnerable to terrorist attacks. Certainly we had experienced acts of terrorism before. Indeed, the World Trade Center itself had been attacked by terrorists in 1993. We had experienced the horrific attacks in Oklahoma City. We knew terrorism was possible anywhere, even in our schools. But it took the attacks of September 11 to focus our attention on the magnitude of the dangers we face and the people we are up against and what they are willing to do in order to do great damage to our country.

Since September 11, the Federal Government has taken steps to improve our Nation's security. I applaud that. The fact we are even debating the Homeland Security appropriations bill is a reflection of the Federal Government's efforts to meet the challenges posed by the threats of terrorism. Yet there is still more that we must do. We can heed the recommendations of the Rudman report, which tells us we have not done nearly enough to protect the public we serve. That would be a major step in the right direction. It tells us that despite the risks this Nation faces, despite the real and present dangers, even the real likelihood of future terrorist attacks, that we are failing to take the steps necessary to protect the American people.

The Rudman report also tells us that the Federal Government has not made a sufficient commitment to help ensure that our first responders—our firefighters, our police, and our emergency medical personnel—have the training, the equipment, and staffing levels they need to effectively respond to what seemed unthinkable but that we now know can happen anywhere at any time.

After talking to State and local emergency management professionals—fire chiefs, police chiefs, the authors of the Rudman report—I have concluded we need to do much more than we have been doing. Local authorities asking for Federal assistance are told: We are sorry, but this is the best the Federal Government can do right now. Is this really the best we can do? I don't think so. I think we can do better.

In addition, Vice President CHENEY has been attacking the Democratic candidate on homeland security and warning about the risks of returning to a pre-September 11 mindset. I am almost quoting him. But who is really in a pre-September 11 mindset? This homeland security has not even begun to reflect the post-September risks that have been clearly, painstakingly detailed by our former colleague, Warren Rudman, and the distinguished panel that compiled this report.

Three years ago, President Bush asked for and Congress agreed to large tax cuts. The rationale at the time was we had a huge surplus and could afford a tax cut. However, this year things have changed and record surpluses have become record deficits, staggering deficits, the largest in our Nation's history on an annual basis, and a national debt that is mounting. By the end of this fiscal year, the total Federal deficit will be nearly \$422 billion. That will be the largest deficit in our Nation's history.

This deficit is being racked up at a time when we have to address clear and immediate threats that are before us. However, instead of marshaling our resources in a comprehensive, responsible way, the administration did something that, in my view, will be recorded in history as irresponsible. It committed even more resources for the purpose of giving more tax benefits to the most affluent of our citizens.

That was the choice they made—a clear choice to give tax benefits to the privileged few rather than taking the steps to make the commitment to protect all of us. Our enormous budget deficit has been coupled with a huge security deficit. There is now an enormous gap between what we are committing to homeland security and what we should be providing to State and local first responders.

We have an opportunity with this amendment to set our priorities straight. We can, and we should, reestablish that the priority of this Nation is to protect all Americans and not to lavish scarce public resources on the privileged few.

The amendment Senator STABENOW and I are offering would adhere to the recommendations of the task force sponsored by the Council on Foreign Relations and establish a more responsible and realistic baseline for supporting our first responders—our firefighters, our police, and our emergency medical personnel.

To those who say we cannot afford to commit the resources to protect our people, I ask: Can we really afford not to do so? It seems to me if we can afford trillions of dollars in tax cuts that benefit the most affluent, then we ought to be able to afford \$20 billion this year, next year, and the 3 years following to ensure, or to do a better job of ensuring, our security.

According to a recent report by the Congressional Budget Office released last month, the tax cuts approved in the last 3 years exacerbate income inequality by boosting the after-tax income of high-income households far more than that of middle- or low-income households. Based on the Congressional Budget Office data, the top 1 percent of households whose annual incomes average \$1.2 million a year will receive an average tax cut of approximately \$40,000 in the year 2004. This tax break is more than 40 times—40 times!—the average tax break for those in the middle fifth of income distribution.

With the amendment we are offering today, millionaires are going to be asked to take a smaller tax cut than they are already receiving under the 2001 and 2003 tax cuts. With our amendment, these individuals would still be able to benefit from significant tax cuts. But by simply reducing the 2003 tax breaks for those earning in excess of \$1 million a year—one-tenth of 1 percent of all taxpayers; which is what our amendment does—we would be able to live up to our commitment, our obligation, to our Nation's first responders and to the people of this country by providing them with the resources to see to it they can respond if, God forbid, we are confronted with another terrorist attack.

So we have an offset. I suspect it will be challenged as a violation of the Budget Act. But here we are paying for an amendment by reducing the tax cut for the most affluent, to see to it that the general public can have the kind of protections they need, in order to see to it that we are protected against terrorist attacks that may come at a future date.

With that, Madam President, I will yield to my colleague from Michigan, who is a cosponsor of this amendment. And she was there the last time we offered this amendment. She is a great advocate of these efforts to improve our homeland security picture. I am honored to join with her in this effort once again this year.

I yield to my colleague from Michigan.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Michigan.

Ms. STABENOW. Madam President, I, first, thank my friend and colleague from Connecticut for his eloquence and leadership on this issue. He proposed this amendment last year, and I was very proud to join him in this effort. If we had done this amendment last year, we would be having a very different discussion, I believe, right now. So I thank the very distinguished Senator from Connecticut for his leadership.

I think it is important we recognize the fact that we have been told by the Department of Homeland Security that this is National Preparedness Month, which has just been announced. We are told there are hundreds of activities planned. The Department is encouraging us to encourage families we represent to be prepared individually.

In the spirit of National Preparedness Month, I think we have a responsibility to do exactly the same. That is why I rise to urge my colleagues to support the Dodd-Stabenow amendment that will provide America's first responders with the equipment and the training they need to protect the people of our country.

As the President often says, we are at war. The threat level has been raised to High or Orange six times since it was created. Americans are repeatedly warned the terrorists will strike again, that we should be vigilant and prepared. The experts and our leaders are certain that we remain under the threat of terrorist attack, and certain that we must be ready to prevent, hopefully, and, if not prevent, be able to respond to an attack.

However, what remains uncertain is our ability to prepare for and defend against potential terrorist threats. That is where our Government up until now has failed. We have the opportunity to correct that on this bill.

The experts I speak of, and Senator DODD spoke of, are a blue-ribbon panel of Nobel laureates, U.S. military leaders, former high-level Government officials, and other senior experts, brought together by the Council on Foreign Relations, led by former Senator Warren B. Rudman, and advised by former White House terrorism and cybersecurity chief, Richard A. Clarke.

During the spring of last year, this Independent Task Force on Emergency Responders conducted meetings across the Nation with first responders and national organizations seeking the answer to one simple question: What do you need to keep us safe? What do you need as first responders to keep us safe? The answer Senator Rudman received was daunting. Unbudgeted needs totaled about \$98.4 billion, and these funds would only establish a minimum effective response, according to the report.

I would like to detail some of the deficiencies in our preparedness that the Rudman report outlined.

On average, our fire departments have only half the number of radios needed on a shift and only enough breathing apparatus for one-third of

their firefighters. Now, imagine that. I know in Michigan people assume firefighters and police officers, emergency responders, have communications equipment, that they can talk to each other. I have met with police departments where they have said they cannot talk to the fire department, and they are in the same town or in the next town. This report said, on average, fire departments have only half the number of radios needed on a shift.

They also found police departments across America do not have the protective gear to respond to weapons of mass destruction attacks. They do not have basic protective gear.

Why have we ignored this panel's recommendations?

When the 9/11 Commission recently offered its recommendations—and I commend them for their thoughtfulness—Senators of both parties immediately took action. In fact, there is now a bipartisan bill that incorporates all 41 of the Commission's recommendations, and the majority leader has pledged to take up this legislation in the next month. I support that. In other words, approximately 2 months after we received the recommendations of the 9/11 Commission we are acting.

Unfortunately, the Rudman report is a year and a half old, and I would argue, even though there have been some changes in funding, we have basically done nothing to fundamentally respond to the seriousness of this report. In fact, what we have seen, in some cases, in order to fund homeland security and first responders, other programs have been cut. The COPS Program or other programs have been cut to move dollars over. And the local police department—it does not matter which pot it comes from—what they are looking at is the bottom line: Can they afford to add another police officer? Can they afford protective equipment? And way too many of the law enforcement leaders in Michigan are saying, no, they cannot.

During a series of 11 meetings I held across Michigan, I met face to face with many people I consider to be experts—first responders, community leaders in Michigan. They have told me in no uncertain terms that they are woefully underfunded and under-equipped. Month after month they continue to remind me of the fact that they still don't have the dollars they need, even though some dollars have trickled down from Washington.

The situation in Michigan is of particular importance to me, of course, but this is not only about Michigan. This is a problem and a challenge for all of us. This is not a partisan issue. This is about how to keep Americans safe all over the country. We have ignored this report for too long.

I thank the Senators from Mississippi and West Virginia, the distinguished members who have worked hard on this bill. I know they find themselves in a difficult position confronting new threats and correcting

countless vulnerabilities that were exposed on September 11. The legislation before us is a step forward. Unfortunately, I believe it is a very small step. We can do better, and we must do better.

The Dodd-Stabenow amendment will provide \$690 million for the Federal Law Enforcement Training Center; \$11.5 billion for the Office of Domestic Preparedness State and Local Programs; \$3 billion for firefighter assistance grants; \$660 million for the emergency management performance grants; \$3.3 billion for the Emergency Preparedness and Response directorate; and \$1 billion for the staffing for adequate firefighter and emergency response grants. In total, the amendment would provide an additional \$15 billion in assistance for our Nation's front-line first responders.

Perhaps we should elevate the capabilities of our first responders above the reconstruction of Iraq. Over the past 2 years, Congress has provided \$24 billion in American dollars for the reconstruction of Iraq. In late June, the Government Accountability Office told us that only \$3 billion had been spent, leaving \$21 billion in a fund for reconstruction, substantially more than what we are talking about here. I assure my colleagues that if we had had these funds and they had been given to our first responders, they would have done more and done more quickly, and that would have provided greater safety and the capability to deal with terrorist attacks. Those dollars would have been used here to keep us safe.

I am not suggesting we don't need to be supportive in Iraq, but this truly is a question of urgency and priorities for the American people. I have supported the request by the Department of Defense in support of our Troops. I cannot imagine why we are not giving that same sense of urgency to the total request to keep us safe here at home.

Again, the legislation we are now considering is a good step, but much more needs to be done. Senator Rudman's efforts have made it clear that the safety of the American people requires we do more. We can't be doing this around the edges. We have to do what is necessary, as we need to do what is necessary for defending ourselves abroad in terms of dollars needed for equipment and troops and so on. The very same thing should apply here. We should do what is necessary to keep us safe, period.

This Saturday is the third anniversary of 9/11. We know thousands of Americans lost their lives on that day. We owe it to their families and to all Americans to do everything in our power to defend our country, our families from another terrorist attack.

The Dodd-Stabenow amendment will begin to provide our police officers, firefighters, and emergency medical workers with the equipment and training they need to do one of the hardest jobs in this country—protect their communities and their citizens' lives.

When it comes to providing funding for our military men and women in Iraq and Afghanistan, we have provided money for what they need. I support that and will continue to. The President has requested numerous supplemental appropriations for Iraq and Afghanistan. We have promptly approved those funds. In most cases, Congress provided money in excess of what was actually needed at the time. Unfortunately, we have not done the same when it comes to homeland security. We would never want our troops to fight without the best guns and tanks, but we are willing to let our police and firefighters use outdated and inferior communications and bomb detection equipment. It makes no sense.

God forbid we have another terrorist attack in our country. Despite numerous Code Orange alerts, we have avoided another tragedy. I commend all of those involved in that effort. However, we do know there are likely terrorists already in this country and many trying to gain entry. We know they want to kill innocent citizens. Therefore, we must strengthen our resolve and do whatever it takes to keep us safe. When it comes to protecting our children, we should not be penny wise and pound foolish.

We have seen the pictures of the recent horrific terrorist attacks in Russia. Our hearts and prayers go out to all who are grieving. Who would have thought terrorists would go to such extremes that they would kill innocent children in a school? It demonstrates we can be attacked anywhere at any time.

Again, God forbid such a tragedy would happen in our own country, but if it did, could we look those grieving parents in the eye and tell them we did everything we could to protect their children? Could we tell them we did everything we could at the border to keep the terrorists out? Could we tell them we had the best bomb detection equipment possible? Could we tell them we had the best trained and equipped first responders who could act quickly and communicate with each other to prevent loss of life?

I remind my colleagues, when people call 9-1-1, they don't get somebody in the Homeland Security Department in Washington, DC. They get their local police or fire department. Local police and firefighters are ready and waiting respond to a terrorist attack and save lives, if it happens.

I honestly believe if we don't pass this amendment, based on this report, we are not doing everything we can do to keep Americans safe. That is, frankly, a risk I am not willing to take.

I urge my colleagues, before they vote on the amendment, to ask themselves: Are we doing enough at home to keep us safe? Are we doing everything we need to do as quickly as we can? Currently the answer is no, with any objective analysis. With the adoption of this amendment, the answer can be yes.

I urge my colleagues to come together with a sense of urgency, as they would if their own families were immediately threatened, because I believe they are.

I urge adoption of the Dodd-Stabenow amendment.

Mr. COCHRAN. Madam President, I appreciate very much the comments being made by the proponents of the amendment. But the fact is, it increases funding in this bill by over \$15 billion, and there is no offset for it.

There is a provision in the amendment suggesting that taxes be increased to pay for the amendment. I don't think it is consistent with the Budget Act in terms of offsetting spending. We are confronted with an allocation of a limited amount of money to appropriate for all of the programs under the jurisdiction of this subcommittee. We are at the level of our allocation. So if we approve an amendment that exceeds that allocation, we have to reduce other accounts in this bill to pay for that amendment.

This amendment is subject to a budget point of order. It is the intention of the manager of the bill to make that point of order and to suggest that the Chair sustain that point of order.

Having said that, let me make a couple of other points about the comments that have been made about the fact that we are not doing enough. That is easy to say. We all know there is a lot to be done. The budget process of the Congress is restricted under its terms because we do have constraints on how much we can spend. If we overdo it, for whatever the reason, and go beyond the limitations we have imposed on ourselves to help ensure guaranteed opportunities for economic growth, expansion of the economy and the private sector, and all of the rest, we are not doing our job with respect to the integrity of the budget process. Any good-sounding program will be met with enthusiastic applause if you say: Let's increase that. It would be good for the country. Well, of course. But we have to have limits. Those limits have been imposed by ourselves, on ourselves, and now some Senators come to the Senate floor and say that is not enough for this program because it is so important.

These are important programs. The firefighter assistant grant program is very important. That is why we put \$700 million in this bill for that program. The domestic preparedness grants program is a very important program. It contributes to making our country safer and more secure. That is why we put \$2.8 billion in this bill for those grants. They will go to State and local governments. State and local governments will decide how they use those funds, consistent with plans that have been developed at the State and local level under the guidelines of the Department of Homeland Security.

Emergency management performance grants are involved here. These are first responders who work as emer-

gency responders for medical care centers, hospitals, and the rest. We have included \$180 million for those grant programs.

This amendment goes beyond some of the grant programs. It even increases funding for the base program of the Federal Law Enforcement Center by \$500 million—just \$500 million more than has already been appropriated for the base program for this center to use.

Well, my point is, because the amendment asks for spending \$15 billion that we don't have in our allocation, we are constrained to make a point of order. I do think we need to recognize that important progress is being made. I know in my State the State government officials and the local mayors, local board of aldermen, the city council persons have done a very important job of identifying their own needs, how they can better improve the facilities, the infrastructure, the training of personnel, equipping of personnel at the local level, and then applying for the grants made available through the new Federal programs for homeland security. We are seeing improvements made. I am very happy we are making progress in that area.

My good friend from Connecticut suggests the Hart-Rudman report of that task force should be considered, and we have considered that. I think one of the first calls I made after I realized I was going to serve as chairman of this Appropriations Committee subcommittee was to Warren Rudman, my friend from New Hampshire, a former colleague whom I respect a great deal. His advice has been very helpful to me.

That Warren Rudman report was written several years ago, as we probably realize. Of course, they wrote a recent paper for the Council on Foreign Relations that got a lot of attention. I read an article that was published in the Council on Foreign Relations magazine as a result of that task force report. That is all helpful to us. We are carefully considering suggestions from people with ideas of how we can more effectively reorganize our agencies and provide funding for different programs that are important, and I think we have made great progress. We are definitely wiser, safer, and more secure as a result of the efforts by this administration, local and State government leaders, with the support of this Congress, in providing generous new appropriations for activities that previously were not funded at the levels they should have been funded in the Federal budget.

We are going to continue to make progress—I am optimistic—with the further support of this Congress and a strong record of accomplishment that will be continued by this administration. We will definitely see the results pay off for safer and more secure American citizens.

Madam President, I am advised that we have the time set for a vote at 2 o'clock for the Byrd amendment, or a motion to waive the Budget Act for the

Byrd amendment. It would be my hope that we could set a time for voting on the Dodd amendment—or if the point of order that I make is sustained after the motion to waive is made—and that we could set that vote to occur after the vote on the Byrd amendment. That would be my intention.

I say that to give all Senators notice of the intention of the manager of the bill to have that vote occur at 2 o'clock. We hope that will be possible.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I say to the chairman, we will be happy to try to work that out. I don't know if other colleagues want to be heard. I will find out. If not, I will certainly not oppose the idea of having a vote. We will make a motion to waive if the point of order is raised. We will work that out.

If I can, let me, first of all, say that the chairman of the subcommittee has been a wonderful friend of mine. I have great respect for him. He has a thankless job, in many ways, in trying to deal with budget constraints. I am not sure that history is going to judge us well if, in fact, we are confronted with one of these dreadful attacks and the argument is we were prohibited because the Budget Act would not allow us to respond. We had an emergency supplemental adopted to deal with the situation in Iraq. Certainly, this Chamber and the other responded to it. The American public responded to it.

Certainly, nothing could be more important. The first and most significant obligation that all of us at a Federal level assume when we take the oath of office is to protect the citizenry of this country. Nothing is more fundamental to our jobs. We all understand that and respect it. This is not a request we are making for some social spending or education or health, and I argue that there is a good case to be made for those. We are talking about fulfilling the most basic obligation we have; that is, to protect and defend the people of this country. We have been given more than adequate warnings of what those who would do us great harm intend to do given the opportunity.

My colleague from Michigan rightfully points out the tragedy that occurred halfway around the globe in Russia only a few days ago. We are dealing with similar people. You need only look at your local newspaper and reports of how hostages—innocents doing humanitarian work in Iraq—are being treated by terrorists who apprehend them and threaten their lives. Let there be no doubt of the intentions of those who would do us great harm.

To argue that because there is restraint in the Budget Act that prohibits us from coming up with an offset—and again, I know it takes a little work to get it done, but I argue strenuously that history will look back and say: Why didn't you provide these resources when we knew we needed them. We are not making this up out of whole

cloth. It is not as if the Senator from Michigan and I sat around and decided what ought to be done. We are relying on a very significant group of people who made some very serious recommendations.

Once again, I share with my colleagues the members of this panel. These are very distinguished people. This report was done a year ago, in July of 2003. It is not ancient history.

I mentioned already, of course, the chairman of this task force, Warren Rudman, our former colleague, the author of the Gramm-Rudman-Hollings deficit reduction package, a fiscal hawk during his tenure in the Senate, certainly not one who is known as a profligate spender.

I already mentioned Admiral Crowe, former Chairman of the Joint Chiefs of Staff, Margaret Hamburg, vice president for Biological Weapons at the Nuclear Threat Initiative. Before coming to NTI, she was Assistant Secretary for Planning and Evaluation at the Department of Health and Human Services.

Joshua Lederberg, a Nobel laureate, and who currently serves as president emeritus and Sackler Foundation Scholar, Rockefeller University.

Donald Marron, chairman of UBS America, as well as Light-Year Capital. Previously, he served as chairman and chief executive officer of Paine Webber. Certainly no wild spender when we start talking about people who looked at these issues.

I believe I mentioned Norm Ornstein, resident scholar at the American Enterprise Institute.

George Shultz, former Secretary of State, Secretary of the Treasury, Secretary of Labor, Director of the Office of Management and Budget, who is certainly not a wild spender, and who sat and unanimously adopted the recommendations my colleague from Michigan and I are suggesting.

Anne-Marie Slaughter, dean of the Woodrow Wilson School of Public and International Affairs at Princeton University. Prior to her appointment at Princeton, she was the J. Sinclair Armstrong Professor of International, Foreign and Comparative Law at Harvard Law School.

Harold Varmus, president and chief executive officer of Memorial Sloan-Kettering Cancer Center. Previously, he served as the Director of the National Institutes of Health.

John Vessey has served as chairman of the Joint Chiefs of Staff as well as Vice Chief of Staff of the U.S. Army.

I mentioned Bill Webster as well. He served as Director of the Central Intelligence Agency, as well as the Director of the FBI.

Steven Weinberg is director of the Theory Group of the University of Texas. He is a Nobel laureate in physics and a recipient of the National Medal of Science.

The list goes on. These are highly competent people who sat down under the leadership of Warren Rudman and

said this is what we think we need to do. The Senator from Michigan and I know it is a lot of money. It is a lot of money—\$20 billion a year over the next 5 years, an additional \$15 billion, included with what is in this budget. But if something happens tomorrow, next week, next month, and we are not prepared to respond to it, people will ask: What did you do? You have been given an opportunity to get ready, to be responsible, to take the necessary steps so we would be prepared to respond. And we were told we could not because of the Budget Act.

Imagine if we offered this amendment without offset. We would be accused of spending money without coming up with resources to offset the obligation. Is it too much to say to one-tenth of 1 percent of our population, not to eliminate your tax cut, but reduce it for 1 year in order to pay for this? That is the choice.

We are all confronted with difficult choices. I do not think this one is terribly difficult, and I suspect if you asked that one-tenth of 1 percent of the most affluent of our citizenry whether they are willing to give up a tax cut for 1 year in order to enhance the homeland security of this Republic, I suspect an overwhelming majority of them would say: Do it; do it.

These are patriots. These are people who understand difficult choices need to be made. We are going to be given the chance in the next few minutes to waive the Budget Act to make it possible for us to come up with the resources to do this. This is the choice with which we are going to be confronted, and I do not think history is going to accept the argument that the Budget Act somehow could not be waived because we could not come up with the resources to do it, because somehow a regulation or some provision of law made it difficult for us to do so.

I think that answer is pathetic. It is inadequate. It is not going to be accepted by history or the American public. Yet that is the choice I think we ought to be making today.

Senator BYRD, our colleague from West Virginia, has offered a modest increase. My colleague from Michigan and I are offering something that is larger. We know that. It may be asking a lot, but I think to do anything less is to place our Nation at risk.

We are once again asking our colleagues to put aside the technical arguments that could be raised and do what is right for our country. Let's waive the Budget Act. There is a resource to offset this cost. We need not add to the deficit of the country to do what needs to be done. The people who made these recommendations are distinguished Americans. They come from all political walks of life, all parties. They are involved in science, national security, and the domestic security of our Republic. They have come to the conclusion that this is what we ought to do. We ought to listen to them, and we

ought to respond to them by adopting this amendment and waiving the point of order when it is made.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I thank the distinguished Senator from Connecticut one more time for his eloquence on this point. I was thinking, as my colleague was speaking in terms of the choices we have to make and whether someone with great means in this country would be willing to defer a small portion of a tax cut in order to keep us safe, that it does not matter how much your income, you are still vulnerable to terrorist attack in this country. And I cannot imagine anybody who would not say: Do what you need to do to keep my family safe. Do what you need to do to keep my children safe on the way to school or at school or after school or at their college or my husband and wife at work or me driving down the street. These are serious choices.

I am constantly amazed at the times we use bureaucracy and budget arguments versus the times we ignore them. I very much understand the constraints of the appropriations process and the difficulty the subcommittee chairman has in operating within the amounts that have been allocated. I understand that and appreciate the hard work that takes. But I remember also, as a member of the Budget Committee, raising questions about why we could be appropriating \$87 billion and before that \$150 billion—over \$200 billion—to Iraq that has never been in the budget at all, has never been anywhere in the budget. Instead of offsetting that in some way, we added it to the deficit, the largest deficit in the history of the country.

We could eliminate everything except the Department of Defense in terms of annual spending and equal what this debt is this year. It is huge. But when we were focused on Iraq, somehow it was "whatever it takes," not only for the troops but in addition to whatever folks felt was necessary to rebuild Iraq—to rebuild their roads, their schools, and give them a health care system, and all these other items. It did not matter whether there was any money appropriated or if there was any way to pay for it.

Monday night, we responded quickly—and I supported so responding—to Florida with \$2 billion. That was not in the budget. We responded because of an emergency.

We are talking about, in relative terms to the huge allocation in defense and the hundreds of billions of dollars now in Iraq, a relatively small amount. It is less than 3 months' spending in Iraq to keep us safe at home.

I cannot imagine anybody from any part of this country, any political persuasion would not look at this and say: This should pass overwhelmingly with a voice vote. Why are we struggling with the question of doing everything possible as quickly as possible?

I know there have been improvements made, but we are not doing everything that needs to be done as quickly as possible.

I also know that when I talk at home to folks who are on the front lines and they tell me, You are taking money out of this pocket and putting it in this one, it is not new money. Or that they received small amounts, but they are not large increases that have been coming to local communities. When we take an officer whose salary is paid by the COPS Program and we cut it and then we restore the funding through homeland security, it is still only one officer. That is what is happening in too many places.

Again, I agree with my friend from Connecticut that there needs to be a sense of urgency about this matter. I understand budget constraints, and I understand the limits that have been placed on this particular budget. But I suggest it is our responsibility to challenge that and together stand up and say the rules do not fit for this situation. That is what we are expected to do. We make the rules.

It is pretty hard for us to say we cannot change them when they do not make sense, and particularly when we change them all the time. We change them. Depending on whatever the majority folks want to do, we change them. Why in the world would we not want to make sure we are doing everything possible?

I remember a week before we left for the August recess and we were sitting in 407, all of us together hearing about the new sense of urgency and the very specific threats that were present. We watched at both conventions the armed fortresses around not only the conventions but our hotel. It was amazing. Certainly there were resources those communities needed to have to deal with that, but we were told in no uncertain terms that it is very likely something could happen between now and November 2.

Then I go home and speak with the sheriffs, the police chiefs, the firefighters, the emergency preparedness folks, the folks at the emergency rooms at the hospital, and they look at me and say, what are you doing? We do not have the resources to do this ourselves.

I know there are those who believe local communities should bear the brunt of this funding. I would argue that when New York and Washington, DC, were attacked, they were attacking the country. Regardless of where we are attacked in the country, it is our responsibility, the Federal Government, to be a serious partner with local communities to make sure the resources are there.

Again, if we are saying we are conducting military actions abroad because of the threat and we are being told that there are the threats here and they are real, why would we not provide the same approach in saying we will do whatever is necessary? That

does not mean indiscriminately throwing dollars at a situation. It means in a thoughtful way using the complete report the Senator from Connecticut has spelled out as a basis for why would we not respond. That is all this amendment does. It allows us to respond to a thoughtful report, just as we are responding to the 9/11 report. I argue very strongly we should think long and hard, while this budget is in front of us, about whether we can honestly say to the people we represent, as well as our own families, that we are doing everything possible, as quickly as possible, to keep us safe.

Mr. DODD. I ask unanimous consent that the Senator from Michigan, Mr. LEVIN, be also added as a cosponsor to this amendment.

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

Mr. DODD. Madam President, I am prepared to go into a quorum call at this point to chat with our friend from Mississippi as to how he wants to proceed on points of order and waivers. I would also like to at least give the respective leaders an opportunity to inquire as to whether any Members would like to be heard on the amendment before we end the time. I assume it will not be much and I would be happy to agree on a time certain. I would be happy to make it around the time for the vote on the Byrd amendment to accommodate Members' interests.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Madam President, I make a point of order against the Dodd amendment on the grounds that it violates the Budget Act, section 302(b) of the Budget Act.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask that the relevant points of the Budget Act be waived and ask for the yeas and nays on that. Also, Madam President, I ask that the vote on this follow the completion of the vote on the Byrd amendment.

The PRESIDING OFFICER. First, is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there an objection to the request of the Senator?

Without objection, it is so ordered.

Mr. REID. Through the Chair to the distinguished manager of the bill, would the manager of the bill object to 2 minutes, evenly divided, prior to the vote on the Dodd amendment?

Mr. COCHRAN. Yes, I would. We have thoroughly debated that.

Mr. REID. It doesn't hurt to ask.

Madam President, we have 1 minute to go. I ask consent that the vote start now rather than at 2 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. AL-EXANDER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. COCHRAN. Mr. President, Senator DOLE has asked me to advise that she is absent from this afternoon's votes due to an emergency visit to her home State of North Carolina. As you know, the remnants of Hurricane Frances devastated a large portion of western North Carolina this week, and Senator DOLE felt it was imperative that she make an immediate trip to the State to assess the damages and offer assistance in whatever manner possible.

I ask unanimous consent that the RECORD show that had she been present, Senator DOLE would have voted against the Byrd amendment.

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

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from North Carolina (Mrs. DOLE) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mrs. DOLE) would vote "no".

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The yeas and nays resulted—yeas 43, nays 51, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—43

| | | |
|----------|-------------|-------------|
| Baucus | Feingold | Lincoln |
| Bayh | Feinstein | Mikulski |
| Biden | Graham (FL) | Murray |
| Bingaman | Harkin | Nelson (FL) |
| Boxer | Hollings | Nelson (NE) |
| Breaux | Inouye | Pryor |
| Byrd | Jeffords | Reed |
| Cantwell | Johnson | Reid |
| Carper | Kennedy | Rockefeller |
| Corzine | Kohl | Sarbanes |
| Daschle | Landrieu | Schumer |
| Dayton | Lautenberg | Stabenow |
| Dodd | Leahy | Wyden |
| Dorgan | Levin | |
| Durbin | Lieberman | |

NAYS—51

| | | |
|-----------|-------------|-----------|
| Alexander | Crapo | McCain |
| Allard | DeWine | McConnell |
| Allen | Domenici | Miller |
| Bennett | Ensign | Murkowski |
| Bond | Enzi | Nickles |
| Brownback | Fitzgerald | Roberts |
| Bunning | Frist | Santorum |
| Burns | Graham (SC) | Sessions |
| Campbell | Grassley | Shelby |
| Chafee | Gregg | Smith |
| Chambliss | Hagel | Snowe |
| Cochran | Hatch | Stevens |
| Coleman | Hutchison | Sununu |
| Collins | Inhofe | Talent |
| Conrad | Kyl | Thomas |
| Cornyn | Lott | Voinovich |
| Craig | Lugar | Warner |

NOT VOTING—6

| | | |
|---------|---------|---------|
| Akaka | Dole | Kerry |
| Clinton | Edwards | Specter |

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 3604

Mr. DODD. Mr. President, I ask unanimous consent there be 2 minutes equally divided to speak on the amendment.

Mr. COCHRAN. How about 30 seconds each?

Mr. DODD. How about a minute each?

Mr. COCHRAN. A minute, and I will not use my time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Mississippi.

Very briefly, I know Members were at the various luncheons during the debate on the amendment we are about to vote on. This is the Warren Rudman report prepared in July of 2003. It laid out in a very detailed way what needs to be done in order to provide the necessary resources for first responders. This was a task force that included Admiral Crowe and George Shultz, William Webster, who served as Director of both the FBI and CIA, and many others, who said we need to be doing a lot more to see to it that our first responders have the necessary resources to do the job, Lord forbid we are attacked by terrorists again.

Now we have included an offset that makes this subject to a point of order. But I believe we have to come up with some choices. One choice is whether one-tenth of 1 percent of the American taxpayers for 1 year could do without a tax cut to pay for the \$15 billion to make our country more secure. That is what this amendment does.

I urge my colleagues to waive the point of order.

Mr. COCHRAN. Mr. President, regular order.

The PRESIDING OFFICER. The Senator has used 1 minute.

Time is yielded back.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from North Carolina (Mrs. DOLE) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The yeas and nays resulted—yeas 41, nays 53, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—41

| | | |
|----------|-------------|-------------|
| Biden | Feinstein | Lincoln |
| Bingaman | Graham (FL) | Mikulski |
| Boxer | Harkin | Murkowski |
| Breaux | Hollings | Murray |
| Byrd | Inouye | Nelson (FL) |
| Cantwell | Jeffords | Pryor |
| Carper | Johnson | Reed |
| Corzine | Kennedy | Reid |
| Daschle | Kohl | Rockefeller |
| Dayton | Landrieu | Sarbanes |
| Dodd | Lautenberg | Schumer |
| Dorgan | Leahy | Stabenow |
| Durbin | Levin | Wyden |
| Feingold | Lieberman | |

NAYS—53

| | | |
|-----------|-------------|-------------|
| Alexander | Craig | McCain |
| Allard | Crapo | McConnell |
| Allen | DeWine | Miller |
| Baucus | Domenici | Nelson (NE) |
| Bayh | Ensign | Nickles |
| Bennett | Enzi | Roberts |
| Bond | Fitzgerald | Santorum |
| Brownback | Frist | Sessions |
| Bunning | Graham (SC) | Shelby |
| Burns | Grassley | Smith |
| Campbell | Gregg | Snowe |
| Chafee | Hagel | Stevens |
| Chambliss | Hatch | Sununu |
| Cochran | Hutchison | Talent |
| Coleman | Inhofe | Thomas |
| Collins | Kyl | Voinovich |
| Conrad | Lott | Warner |
| Cornyn | Lugar | |

NOT VOTING—6

| | | |
|---------|---------|---------|
| Akaka | Dole | Kerry |
| Clinton | Edwards | Specter |

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, if I could involve my friend in a brief dialog, I have come to the floor on many occasions

and talked about the need for our leadership to cut off these votes. If we are going to finish this bill by next Tuesday, we cannot spend an hour on two votes. We cannot get the bill done.

I hope there will be some degree of understanding that this is unfair. Republicans do it and Democrats do it. I am not picking on one side. We should not have to wait on votes. People have the idea that when a vote is called, they will come when they get around to it and that we will hold the vote for them, and we do, which is wrong. That is my personal opinion.

If we are going to try to finish this bill by next Tuesday night as the leaders want, we are going to have to start cutting off these votes at a reasonable time; otherwise, there is no possibility while we are standing around here looking at each other while other people are in their offices completing phone calls or whatever else they do. It is unfair to the Senate, and I think it is unfair to the country.

Mr. COCHRAN. Mr. President, the point of the Senator is well taken. I hope the Senate will consider his remarks very carefully. We need to move ahead with dispatch. There is no reason why we should consider delaying the consideration of this bill even further.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 3596

Mrs. MURRAY. Mr. President, I call up amendment No. 3596 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 3596.

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

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

The amendment is as follows:

(Purpose: To increase the amount available for port security grants by \$300,000,000)

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. The total amount appropriated by title III for the Office of State and Local Government Coordination and Preparedness under the heading "STATE AND LOCAL PROGRAMS" is hereby increased by \$300,000,000. Of such total amount, as so increased, \$1,500,000,000 shall be available for discretionary grants for use in high-threat, high-density urban areas, as determined by the Secretary of Homeland Security, of which \$450,000,000 shall be available for port security grants.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise this afternoon to offer an amendment that would help make our communities and our Nation's ports safer and more secure.

I ask unanimous consent to add the following Senators as cosponsors to my amendment: Senators BILL NELSON, CLINTON, SCHUMER, MIKULSKI, KENNEDY, BOXER, CANTWELL, GRAHAM, and LANDRIEU.

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

Mrs. MURRAY. Mr. President, I appreciate that funding for homeland security is significantly higher in this bill than in the President's budget request. It should be noted that under the leadership of Chairman COCHRAN and Senator BYRD, we have made progress since the Rudman report suggested that we are "dangerously unprepared and underfunded for a catastrophic terrorist attack."

However, I am still very concerned that the priorities established in this bill are not sufficient to meet the challenges we face in confronting the terrorists who want to do us harm or the homeland security needs throughout the country. It is our duty to protect our Nation, and in order to do that we need to make the right investments.

These decisions are critical to ensuring that the American people, the communities they live in, our economy, and our country are safe and secure.

The debate we are having could not be more critical to the defense of our country. The bottom line, though, is we have to do more to confront terrorists abroad and defend ourselves at home. Nowhere is this more true than in the areas of port security and securing our trade lanes. This is not only one Senator's opinion; it is the opinion of experts in the field and those brave men and women who defend our Nation.

In a recent interview, the commander of NorthCom said:

It's just a matter of time before terrorists would attempt a sea-borne . . . a maritime attack on the U.S.

The 9/11 Commission report stated:

While commercial aviation remains a possible target, terrorists may turn their attention to other modes. Opportunities to do harm are as great, or greater, in maritime or surface transportation.

Steven Flynn, perhaps the most pre-eminent expert in the field, says this about our Nation's efforts to better secure our ports: "This is an extremely soft target for America's enemies to exploit" and that a "two-week shutdown of U.S. ports would collapse the global trade system. That's what we're talking about."

Despite this clear evidence, time after time the White House and the rest of the administration have taken the position of limiting investments in many of the policies and security initiatives that would make our Nation safer.

I do not say this to criticize Chairman COCHRAN or his staff, and Senator BYRD has been a true champion every single step of the way in fighting to improve the security of our Nation. Without their efforts, we would be even worse off. But I raise this issue this afternoon to reiterate my strong belief that we have a great responsibility to better secure our country, and it is my own belief we are not doing enough to protect the communities we have been sent here to represent.

Specifically, we need to do more to identify and address the threats to our country before they leave foreign shores. That means better intelligence and more personnel dedicated to finding and stopping terrorists. And those are the issues this Senate is currently debating. But we also need to give the people engaged in antiterrorist activities the tools they need to succeed.

We also need to harden our port facilities, support the Coast Guard in fulfilling the missions they have been tasked to perform, and facilitate better coordination among Federal agencies, States, and local first responders.

In the last several years, we have made steady but slow progress in better securing our port facilities and our trade lanes, and we have learned some important lessons through innovative programs such as Operation Safe Commerce, the Container Security Initiative, and the Customs-Trade Partnership Against Terrorism.

Soon the lessons we have learned should be applied in a way to better protect our Nation, and with the support of Chairman COCHRAN and Senator BYRD, the report accompanying this bill directs the administration to create a national standard for cargo security.

By February, the Department of Homeland Security is directed to take the data, analysis, and lessons learned from these cargo security programs and create a plan that will ensure that the cargo headed for our shores is safe to bring into our ports.

As the author of Operation Safe Commerce, I am particularly proud to report that despite early reluctance by the administration, we are seeing real results through the implementation of this security program.

After more than a year of preparation, we launched Operation Safe Commerce. It is a new era of port and cargo security that uses smart technology and the best supply chain systems to protect our ports from those who would do us harm.

Only last week, I had the opportunity to visit the port of Tacoma to see how Operation Safe Commerce, our three largest container load centers, and the private sector partners had answered our call.

Over the past 5 months, shipments have been tracked from their origination point, whether that was in an overseas factory floor or an agricultural field, to their final destination. The cargo traveled by truck, train, and ship along its journey, and we watched it every step of the way. The security was monitored and analyzed at the origination point, every subsequent transfer point, and on each mode of transportation until it reached the customer.

When vulnerabilities were found in the supply chain, solutions were developed to ensure the integrity of the shipments. In many cases, it was discovered that the origination point lacked access, control, and general security.

So now we know that cameras, biometric identification technology, and third party inspection are necessary to ensure the product's integrity before it is loaded into a container.

In other cases we found that the integrity of container seals was not verified at each point in the supply chain. If the seal had been compromised when it arrived here, it is too late. So several technologies were recommended to ensure that we know if a seal has been broken or a container has been opened.

It was learned that the identity used by drivers to transfer the containers between supply chain points was not always easily verified. So the final Operation Safe Commerce report will make recommendations to address that as well.

When the 9/11 Commission published its report, it noted that initiatives such as Operation Safe Commerce had just begun to secure shipping containers but that an integrated strategic plan had not been developed. These early findings prove that Operation Safe Commerce is a model for how our Nation can improve port security by identifying dangers before they leave foreign shores and helping to ensure that cargo is safe when it arrives in the United States.

This innovative program is an excellent example of industry coming together to share experiences and best practices, and I could not be more proud that my home ports of Seattle and Tacoma, along with Los Angeles, Long Beach, New York, and New Jersey are leading the way to a new standard to secure cargo bound for U.S. ports.

While the hard work of these partners has begun to answer the call in defending our Nation and responding to the 9/11 Commission, there is still much more that we need to do. As a few of us in Congress, the 9/11 Commission and experts in the field have called for, we must continue working together to develop a cargo security system as a national and ultimately international standard. We must provide the funding necessary to harden and protect our port facilities and the people who live and work near them.

I am reminded of the challenge we face to secure these critical assets every time I come home to Washington State. My office in Seattle is located in the Jackson Federal Building. From my office window, I can see the third largest container load center in the country, the largest passenger ferry system in the continental United States, carrying 26 million passengers annually. I can see an ever-increasing number of cruise ships that call on Seattle. I can see active commerce and thousands of people engaged in trade on a daily basis. I can see two professional sports stadiums that hold tens of thousands of people and literally thousands of residences and homes of people who live near our port facilities.

Again, this is all in close proximity to the port of Seattle. This view is not

much different than the view of other ports in my State and, frankly, all around the country, and that is why I want to make sure all of America's ports are safe.

I know every Senator agrees there is nothing more important than protecting our country, and over the next few days I hope we can all work together to do a better job for our Nation, for our States, and the individual communities we all represent. I know unless we make the right decisions in Washington, DC, our security, our economy, and our communities will be threatened. That is why today I am offering the Murray amendment to triple the level of port security grant funding in the underlying bill.

While the amount contained in the bill for port security grants is greater than that included in the House bill, I remain concerned that the amount is simply not enough to help our ports with their security needs. The Commandant of the Coast Guard has testified that it will take more than \$7 billion, including \$1.5 billion this year, to implement the port security plans which were mandated by the Maritime Transportation Security Act.

In the last fiscal year, the Department of Homeland Security received nearly \$1 billion in requests for port security grants. Since that time, Congress has only provided \$275 million in port security grants, \$150 million last year and \$125 million this year.

According to the Coast Guard, that leaves us over \$1 billion short of our commitment to these vulnerable assets, and according to the American Association of Ports Authorities, a minimum of \$400 million is necessary to safeguard the most critical ports in the country.

While I have always known the need for extra port security funding, the urgency was recently highlighted for me at home in Washington State. We have had the terror level raised to Orange six times in the past 3 years, and soon ferry systems across the country will be required to increase their threat posture due to suspicious activity on ferries and at terminals nationwide. While this suspicious activity is not necessarily attributable to the action of potential terrorists, the steps we are taking are a necessary precaution.

Protecting our country comes with a price. This means increased vehicle inspections, and for the Washington State ferry system that means each month an estimated 21,000 additional vehicles will need to be inspected before they board our ferries. The ferry system, State patrol, and Coast Guard will incur tremendous additional costs to secure what is essentially an extension of our highway system that are not budgeted for and costs that, frankly, could have been avoided.

We could have avoided these extra costs with enough funding to secure those terminals. It seems penny-wise and pound-foolish to scrimp on the port and terminal security so many experts

have called for. The Murray amendment would provide a \$300 million increase in port security funding for a total of \$450 million in fiscal year 2005. This amendment would help put the safeguards in place to ensure that local communities are not forced to pick up the tab for a federally mandated security measure. This increase is necessary to make an honest attempt to cover the Federal share of securing some of the greatest economic engines of our economy and the communities that surround them.

I urge my colleagues to support this amendment and ask for its consideration.

Mr. GRAHAM of Florida. Mr. President, I rise today to voice my support for Senator MURRAY's amendment to the Homeland Security appropriations bill.

Our Nation's seaports are now the gateway for 95 percent of our international trade, and as such they play a vital role in our national economy. The volume of domestic and international trade is expected to double over the next two decades, as globalization continues to increase linkages between the people of different countries.

Seaports' essential role in our economy makes them a natural target for terrorist groups or other entities seeking to inflict harm on the United States of America. We know that al-Qaida and other international terrorist groups have shown a preference for targets of economic importance, and we have seen the economic impact of port closures caused by strikes or weather emergencies. We can conclude from this that terrorist groups could consider American ports to be viable targets, and there are a variety of ways that terrorists could attack a port to disrupt activity, cause damage, and kill American citizens.

It is therefore vital that we take adequate steps to ensure that our Nation's ports are appropriately defended. Congress has addressed seaport security concerns over the last several years, and we have passed several bills that have sought to modify and improve the security of American seaports.

In 1997, I had the opportunity to spend a day working as a customs inspector at Port Manatee, FL, where I was able to learn about these security challenges firsthand. Several of my Senate colleagues and I convinced President Clinton to appoint an inter-agency commission addressing seaport security. This commission's recommendation were taken seriously by members of Congress, and we began working on legislation.

In the fall of 2002, we passed the Maritime Transportation Safety Act, which raised security standards at American ports. This legislation authorized the appropriation of whatever funds were necessary to meet the new security requirements. The Coast Guard has estimated that meeting these new requirements will cost approximately \$7.2 billion over the next

decade, and that first-year start up costs will total roughly \$1.4 billion.

America's port authorities seem to agree with the Coast Guard's assessment, since they have requested nearly one billion dollars in port security grants. So far only a fraction of this need has been met by federal funding. This means that we have essentially handed our local port authorities a very large unfunded mandate. If we are going to follow through on our commitment to protect our Nation's seaports, we must ensure that port authorities have the resources they need to meet the security requirements we have established.

Increasing funding for port security grants will help ensure that our seaports are able to prepare for a possible terrorist attack. While this amendment does not provide port authorities with the nearly \$1 billion they need, it certainly brings us much closer to that goal.

Mr. DORGAN. Mr. President, I support the Murray amendment because I think that it includes important investments in port security. The amendment includes \$300 million for port security grants so that we can increase our surveillance of the thousands of containers that enter our country.

In its current form, this amendment does not include any offsetting reductions to pay for the new investments. If this amendment is adopted today, and I hope that it will be, I intend to work with the conferees to offset these increases by reducing funding that have been earmarked for Iraqi reconstruction. I believe these expenditures should be offset with these other spending cuts.

Iraq is a nation that sits on some of the largest oil reserves in the world. My view is that Iraq should pay for its own reconstruction.

Last year, this Congress acted in an expedited way to appropriate \$18.4 billion for Iraqi reconstruction. And yet, 10 months later, most of that money is still unspent. Less than \$1 billion has been actually expended and only about \$7 billion has been obligated.

Therefore, I support Senator MURRAY's amendment and I will vote for it today. But my intention is to push for the rescission of those unobligated Iraqi reconstruction funds and use them to offset these needed security investments.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment is offered to increase funding for port security grants. Specifically, it would increase the authority for spending in the bill by \$300 million. Senators should know the bill already contains funding for port security grants in the amount of \$150 million, and since fiscal year 2002 we have provided funding for this program of almost \$500 million, specifically for port security grants.

A lot of progress has been made to upgrade the quality of our detection

processes. We have seen money going for training and equipping of port security officials. We are making important and constructive changes in procedures to help ensure that we can identify suspicious activity around the ports of the country. The Coast Guard is involved, of course. As we have talked about earlier today, we are providing for modernizing the fleet of the Coast Guard and doing other things that help assure that across our country we are going to be able to enjoy a safer and more secure environment.

On Friday, September 10, all of the funds that were appropriated for 2004, the current fiscal year, \$50 million in grants, were awarded. So the administration is working expeditiously to carry out the directives of the Congress in awarding these funds.

I may point out that the President's request for this particular grant program for this next fiscal year was only \$46 million.

So we have already tripled the amount of money that will be going out to State and local officials, security officials, for this program.

We have one other problem with the amendment as well and that is that there is no offset provided as required by the Budget Act. To simply add money for a program is not going to be permitted unless an offset is provided. So under section 302(f) of the Congressional Budget Act, a point of order would lie against the amendment.

Mr. President, at this time I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY. I ask unanimous consent that Senator DODD be added as a cosponsor.

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

Is there further debate? If there is no further debate, the question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from North Carolina (Ms. DOLE) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Mas-

sachusetts (Mr. KERRY) are necessarily absent.

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

The yeas and nays resulted—yeas 45, nays 49, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—45

| | | |
|----------|-------------|-------------|
| Baucus | Durbin | Levin |
| Bayh | Feingold | Lieberman |
| Biden | Feinstein | Lincoln |
| Bingaman | Graham (FL) | Mikulski |
| Boxer | Harkin | Murray |
| Breaux | Hollings | Nelson (FL) |
| Byrd | Hutchinson | Nelson (NE) |
| Cantwell | Inouye | Pryor |
| Carper | Jeffords | Reed |
| Corzine | Johnson | Reid |
| Daschle | Kennedy | Rockefeller |
| Dayton | Kohl | Sarbanes |
| DeWine | Landrieu | Schumer |
| Dodd | Lautenberg | Stabenow |
| Dorgan | Leahy | Wyden |

NAYS—49

| | | |
|-----------|-------------|-----------|
| Alexander | Crapo | Miller |
| Allard | Domenici | Murkowski |
| Allen | Ensign | Nickles |
| Bennett | Enzi | Roberts |
| Bond | Fitzgerald | Santorum |
| Brownback | Frist | Sessions |
| Bunning | Graham (SC) | Shelby |
| Burns | Grassley | Smith |
| Campbell | Gregg | Snowe |
| Chafee | Hagel | Stevens |
| Chambliss | Hatch | Sununu |
| Cochran | Inhofe | Talent |
| Coleman | Kyl | Thomas |
| Collins | Lott | Voinovich |
| Conrad | Lugar | Warner |
| Cornyn | McCain | |
| Craig | McConnell | |

NOT VOTING—6

| | | |
|---------|---------|---------|
| Akaka | Dole | Kerry |
| Clinton | Edwards | Specter |

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 3607

Mr. NELSON of Florida. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 3607.

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

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

The amendment is as follows:

(Purpose: To provide funds for the American Red Cross)

On page 25, lines 6 and 7, strike "\$2,151,000,000, to remain available until expended" and insert "\$2,221,000,000 to remain available until expended, of which \$70,000,000 is designated by Congress as an emergency

requirement under section 502(c) of H. Con. Res. 95 (108th Cong.) and shall be made available for a grant to the American Red Cross for disaster relief, recovery expenditures, and emergency services in response to Tropical Storm Bonnie, Hurricane Charley, and Hurricane Frances".

Mr. NELSON of Florida. Mr. President, this is an amendment to the Homeland Security bill to provide \$70 million to the American Red Cross for the purposes of their relief efforts as a result of Tropical Storm Bonnie and Hurricane Charley, which hit us 4 weeks ago, and Hurricane Frances, which hit us this past week.

The American Red Cross is out of money. Their coffers have run dry. They have people all over Florida right now. In order to pay expenses, in doing what the American Red Cross does so well, they have had to go out and borrow \$10 million.

I just got off of the phone with the national president of the American Red Cross.

I want to show you what else is lurking out there. I did not have time to blow this illustration up for everybody, but this is the third hurricane, in the last 5 weeks, that is headed to Florida. This hurricane, at 11 o'clock this morning, was down here in relation to the southeast of Jamaica. Its track will take it right over Jamaica and across western Cuba, on a track that is eerily reminiscent of Hurricane Charley which hit us 4 weeks ago, and going right out into the warm waters of the Straits of Florida, across the Keys. On the track that is showing the center line, it would take it right to the southwest coast of Florida.

Now, you can imagine a hurricane of this magnitude. It has 160-mile-per-hour sustained winds, with gusts to 190 miles per hour. It came across Grenada, and 90 percent of all the homes in Grenada are destroyed. Let's hope the Good Lord will spare us in our State from having a third hurricane hit in a row, as two have already hit, the last one of which was so massive that it covered up the entire State of Florida with severe winds and just a deluge of rain.

This amendment is offered, albeit the majority leader, now talking to the assistant minority leader, has assured me next week we are going to have another emergency supplemental that will take care of FEMA expenses and the Department of Agriculture, the Department of Transportation, the Army Corps of Engineers—all of those. We are going to be looking at a minimum of an additional \$2.5 billion—minimum—because the \$2 billion we just passed the night before last is not even going to cover the first hurricane.

So instead of taking the chance that next week's emergency supplemental, which will originate in the House, will come to us at the last minute in a take-it-or-leave-it situation—I do not want to take that chance because of all of those Red Cross volunteers who are down there who are so essential to our recovery efforts right now, trying to

recover from a second hurricane, and not the least of which we will need them desperately if we get hit with Hurricane Ivan, now scheduled to be in the Florida Keys Monday morning at 8 o'clock.

Mr. President, I have stated my case. I yield the floor.

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

The PRESIDING OFFICER. Is there a sufficient second?

Mr. COCHRAN. Mr. President, has an amendment been reported?

The PRESIDING OFFICER. An amendment has been.

At the moment there does not appear to be a sufficient second.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we have not had an opportunity to check on the legal authority for appropriations being made directly to the American Red Cross, but I have asked my staff to check to see under what authority the Senate would be authorized to appropriate funds for a private or a charitable organization.

The American Red Cross, I do not think, is an agency of the Federal Government. There has been no request submitted to the Congress from the administration to fund volunteer charitable organizations under this bill or under any other bill, as far as I know. They, of course, render very valuable and very important services not only here but around the world. We are all familiar with the good work they do.

So I am hopeful we can check to see what the authorities are and can provide the Senate information on which to base a judgment as to what we should do with respect to this amendment.

It requests, as I understand it—I do not have a copy of the amendment. That is why I asked if it had been sent to the desk.

Mr. NELSON of Florida. Will the Senator yield?

Mr. COCHRAN. I am happy to yield to my friend from Florida.

Mr. NELSON of Florida. Mr. President, if I might answer some of those questions.

This Senator personally gave the chairman of the committee a copy of the amendment about 45 minutes ago. It is my understanding there are provisions in this Department of Homeland Security bill for appropriations for private entities such as the American Red Cross. That is the part of the bill we are amending, to provide \$70 million of relief money, specifically for disaster relief, recovery expenditures, and emergency services in response to Tropical Storm Bonnie, Hurricane Charley, and Hurricane Frances.

Mr. COCHRAN. I would be glad to consider the amendment and review it carefully. I wonder if there is an offset in the amendment that would provide some source for making up the funds. We are limited in our allocation of

funding under the Budget Act, and we are at the limit. Any amendment that adds spending to the bill without offsetting it against some other account is subject to a point of order under the Budget Act. That was the next part of the process of analyzing this amendment. I hadn't gotten any satisfaction on the answer to that question. Maybe the Senator knows the answer.

Mr. NELSON of Florida. If the Senator will work with me, I will find an offset. If this is the chairman's pleasure, if we can hold this in abeyance, we will come back to him with an offset.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the American Red Cross dated September 9, 2004.

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

AMERICAN RED CROSS,

Washington, DC, September 9, 2004.

Hon. BILL NELSON,

U.S. Senate, 716 Hart Senate Office Building,
Washington, DC.

DEAR SENATOR NELSON: It is very likely that the response by the American Red Cross to back-to-back hurricanes Charley and Frances will be the largest and costliest natural disaster humanitarian effort in the 123-year history of the American Red Cross. In order for the American Red Cross to carry out the duties delegated to it by the federal government under its Congressional Charter, I am respectfully requesting your help in securing \$70 million for the American Red Cross Disaster Relief Fund within the Fiscal Year 2005 Department of Homeland Security Appropriations Bill (S. 2537).

Because the needs of Florida residents who have suffered as a result of the two hurricanes is so immediate, Congress quickly provided FEMA with an additional \$2 billion. It is critical that further assistance also be provided expeditiously. Because the Homeland Security appropriations bill is expected to reach the President's desk prior to the second emergency supplemental bill, we are asking that funding for the American Red Cross Disaster Relief Fund be included in it. However, if the second supplemental bill appears to be moving first, then we would ask that all disaster relief funds be stripped from the Homeland Security bill and added to the supplemental bill. The bottom line is that we get the money to the victims and those helping them as quickly as possible—whatever the vehicle. In times of extraordinary need, such as that in Florida today, the Red Cross Disaster Relief Fund requires federal assistance in addition to charitable donations to meet the responsibilities delegated to it by the federal government.

The response by the American Red Cross to Hurricanes Charley and Frances marks the largest mobilization of Red Cross resources since Hurricane Andrew. It encompasses a geographic area that exceeds all other past disasters, including the 1993 Midwest floods. To date, we have served over four million meals and sheltered close to 300,000 people in response to these back-to-back disasters. We are continuing our expanded efforts to raise money from the American public, who are always willing to aid their neighbors at times like these, but the unprecedented need in Florida clearly requires additional and immediate assistance from the federal government.

I thank you for your consideration of this request, and the volunteers of the American Red Cross and I look forward to continuing to work with you and your colleagues to en-

sure that we meet the needs of every disaster victim.

Sincerely,

Rear Adm. MARSHA J. EVANS, USN
(Ret.).

President and Chief Executive Officer.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, we have a lot of Senators who have indicated they want to offer an amendment. We have worked through the list, and we have a number of people who are going to offer amendments. Senator HARKIN is going to come over at 5 o'clock or thereabouts. We are running into the thing we run into a lot around here. People say: We have amendments, but we are not ready yet.

The two leaders have said they are going to end this bill Tuesday night. There are different ways of fulfilling the wishes of the two leaders. One way would be to work hard and try to work our way through the amendments. It is my understanding, speaking to the two leaders, that we are going to be here tomorrow morning and have a couple votes. I guess what I am saying is: Staff of the Senators, if they would also listen, if there are not going to be amendments offered, let us know.

It would be in everybody's interest to come over and start offering these amendments. I am sorry we don't have it set up so people can come over immediately and not have to wait 2 or 3 minutes or even 20 minutes, but sometimes it works that way. I hope those within the sound of my voice will do whatever they can to come and offer their amendments. It is 4 o'clock. We don't have anybody here to offer amendments.

Monday is going to be a short day, as it always is, and Tuesday is going to be a long day. I believe there is a pretty good sense from the two leaders that they are going to do everything they can to finish Tuesday night because the Jewish holiday starts on Wednesday. If we go even until noon on Wednesday, that means people who have to travel to the west coast for religious observance on Wednesday cannot get there unless they leave earlier than that. You cannot automatically go to the airport and hope a plane is there. The latest plane going to California, for people who have to leave this body, is about 10:30 in the morning.

I hope that Senators will come over and we can have two or three in line here. Senator COCHRAN has the theory—and I am confident that he is probably right—that as soon as somebody offers the amendment and it is debated, we can vote on it. So I hope we have some people show up.

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

The PRESIDING OFFICER (Mr. SMITH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Mr. President, I had an opportunity to review the amendment offered by the distinguished Senator from Florida and to consult with representatives of the administration and my staff who have helped me analyze this. This amendment, as proposed, would provide \$70 million to the Red Cross to reimburse them for expenses and enable them to provide disaster assistance to hurricane victims and for other purposes under their authorization, under their jurisdiction.

We passed yesterday a \$2 billion appropriation supplemental for the Federal Emergency Management Agency General Disaster Relief Fund. These funds are to be used for the emergencies that exist in the State of Florida and elsewhere, where the funds in this account had been depleted.

We are told by administration officials, in consultation now, that they are considering whether an additional amount may be needed in a supplemental that could be submitted to Congress as early as Monday.

Officials are discussing this with the Red Cross. They are discussing this with the Office of Management and Budget, the Federal Emergency Management Agency. So we do not know right now exactly how much the Red Cross is going to need and whether additional funds need to be added to that \$2 billion account we have already approved and, if so, how much.

What I am hoping is we can withhold action on the Senator's amendment tonight and continue to stay in touch with officials in the administration and with the Senator from Florida and others who are interested in this and make sure the funds that are needed, that the Red Cross is entitled to, are in some bill. It may be the next supplemental is the appropriate bill rather than this annual appropriations bill we are considering now.

I want to cooperate with the Senator and help make sure the disaster victims get the help they need and that the State of Florida gets the help it needs to recover from this very serious situation.

Those are my findings and those are my assurances. I hope the Senator will understand and not urge we take action on his amendment tonight.

Mr. NELSON of Florida. Mr. President, will the Senator yield?

Mr. COCHRAN. I am happy to yield to the Senator.

Mr. NELSON of Florida. Mr. President, I thank the Senator for yielding. With the assurances of the chairman and the committee that the supple-

mental that has been promised by the majority leader will be coming, with the assurances that the Red Cross would be included within such supplemental, then that solves this Senator's concerns. The supplemental will have many other items, and by Monday, we will find out whether that supplemental is going to have to include the effects of this third hurricane that is headed our direction or whether we are still looking at the two hurricanes that have already hit us.

The supplemental we passed two nights ago was merely an emergency supplemental to get cash into FEMA. FEMA's well had run dry. They were flat broke. They had no more money to pay for the ongoing relief efforts. The \$2 billion is not enough, and everybody acknowledges that, for the first hurricane, much less all of the additional expenses for the first hurricane plus the second hurricane. I wanted to protect the American Red Cross, which is so vital to the interests of the recovery ongoing right now, since their well had run dry as well.

So with the assurances of the Senator from Mississippi that this new supplemental, whenever it comes—and it originates in the House and it is usually in a posture of "take it or leave it" at the last moment for the Senate—that we are not in the situation where we are going to be lacking for funds, this Senator is willing to set aside his amendment, holding it pending on those assurances from the Senator.

I thank the Senator for his kind comments.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator for his willingness to set his amendment aside. It will be held at the desk, and we will consider it in due course if we do not resolve it in the supplemental as I expect it to be resolved.

I assure the Senator that he is correct in the notion that we are going to work with him, cooperate with him, and with the people of his State and others who benefit from these Red Cross activities.

I thank the Senator for his cooperation.

The PRESIDING OFFICER. Without objection, the amendment is set aside.

Mr. COCHRAN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 3608

Mr. ALEXANDER. Mr. President, I send an amendment to the desk, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER], for himself, Mr. COLEMAN, Mr. ENSIGN, Mr. ENZI, and Mr. ALLEN, proposes an amendment numbered 3608.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the read-

ing of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit funds from being used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act)

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

Mr. ALEXANDER. Mr. President, I thank the manager and the assistant Democratic leader for this opportunity, which will take only a moment. This amendment is very simple and straightforward. The idea behind this amendment has the support of 34 Members of this body, with the principal Democratic sponsor being Senator SCHUMER in the authorization process.

In this appropriation process, the amendment simply says:

None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act.

Said more simply, it assures the oath of allegiance will not be changed at any time during the next fiscal year without congressional action. The language in this amendment is already in the House version of the bill.

The oath of allegiance is a fundamental statement of what it means to be an American. Much of the language in the oath dates back to the 1790s when Congress first required new American citizens to swear an oath of allegiance to the United States.

Today all new U.S. citizens—and many years there are nearly a million such new citizens—take this oath when they are naturalized. One of the most inspiring events of my life has been to attend those citizenship days in Federal courthouses that take place all over America, usually once a month.

Typically, in the Nashville courthouse or in some other courthouse, one might see 75 or 100 men and women and their families who come from all over the world. They spent 5 years waiting, learned the English language, and learned about U.S. history. They have conducted themselves well and they have decided to become citizens of the United States. There has been a lot of discussion in this body about the importance, especially in these times, of encouraging more focus on citizenship and what it means to be an American. The assistant Democratic leader and I proposed legislation last year, which passed the Senate unanimously, to create summer academies for outstanding students and teachers in U.S. history.

The Senator from Massachusetts, Mr. KENNEDY, and I have introduced legislation that would allow our Nation's report card to test eighth graders and high school seniors on U.S. history on a State-by-State basis because at this time in our history, unfortunately, the

lowest scores in any subject among seniors in high school in the United States is in U.S. history.

So taking the oath of allegiance and treating it with respect, not changing it except by act of the Congress, is an important part of a series of steps that we need to take to underscore the importance of helping all citizens, and especially new citizens, understand our common culture and what it means to be an American.

If my colleagues will indulge me, I would like to read the oath:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God.

That is an oath with strength and decorum. It sounds like something that might have been written by a group of rowdy patriots in Williamsburg a long time ago.

Since the late 1990s, under the Clinton administration and it continues today, there has been some movement to amend the oath. Under current law, the Bureau of Citizenship and Immigration Services, now housed in the Department of Homeland Security, has the authority to unilaterally change the oath. That is not right. Congress, this Congress, not a Federal agency, has designated the wording of the Pledge of Allegiance, of the National Anthem, of the national motto, and the content of our national flag. The oath, some of which predates all of those other national symbols, ought to be treated with the same respect.

I have a bill pending in the Judiciary Committee, and I am joined in that bill by Senator SCHUMER and many others, including the distinguished Senator from Mississippi, who is the manager of this bill, which will do just that. While the Senate works its will on that bill, this amendment will ensure the oath is not changed unilaterally by an agency in the meantime. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me congratulate the distinguished Senator from Tennessee for this amendment. I think what this achieves, if it is agreed to by the Senate, is that it prevents this oath being changed by regulation or fiat by some administration official. If the oath is going to be changed, it will have to be changed by law because it was established by law, as he points out, in section 337 of the Immigration and Nationality Act.

I am glad to be reminded that I am a cosponsor of his corresponding bill, and so are other Senators. I am told that an effort is being made to clear the amendment on the other side of the aisle, and we are awaiting the advice of the distinguished leader. I am going to ask if the Senator will permit us to go into a quorum until we can get a response from the other side.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. COCHRAN. Mr. President, I ask unanimous consent that the amendment of the Senator from Tennessee, Mr. ALEXANDER, be temporarily laid aside to permit the Senator from California to offer her amendment.

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

The Senator from California is recognized.

AMENDMENT NO. 3609

Mrs. BOXER. Mr. President, I send an amendment to the desk on behalf of myself, Senator FEINSTEIN and Senator HARRY REID, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California (Mrs. BOXER) for herself, Mrs. FEINSTEIN and Mr. REID, proposes an amendment numbered 3609.

Mrs. BOXER. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To appropriate \$70,000,000 for grants to States, local governments, and first responders to purchase or improve communication systems to allow for real-time interoperable communication between State and local first responders and to offset this appropriation with a corresponding reduction from the Human Resources Account of the Office of the Under Secretary of Management)

On page 19, line 17, strike "\$2,845,081,000" and all that follows through line 22, and insert the following: "\$2,915,081,000, which shall be allocated as follows:

"(1) \$970,000,000 for formula-based grants and \$470,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714), of which \$70,000,000 shall be used by States, units of local government, local law enforcement agencies, and local fire departments to purchase or improve communication systems to allow for real-time, interoperable communication between State and local first responders: *Provided*, That the amount appropriated under title I for the Human Resources Account of the Office of the Under Secretary for Management shall be reduced by \$70,000,000: *Provided further*, That".

Mrs. BOXER. Mr. President, I thank Senators COCHRAN and REID for giving

me this opportunity to send my amendment to the desk. I understand I may be interrupted for a unanimous consent request. At any time, that is fine. But this is a very important amendment.

I say to my Republican colleagues who seem to be voting against all of our amendments to increase funding for homeland defense, we pay for this amendment. We do something very important in this amendment, and we pay for it by cutting out a frill that happens to be included in this particular legislation. Let me explain what we do. My amendment will increase Federal support for local efforts to improve homeland security by providing \$70 million to State and local agencies for interoperable communications. What does that mean, interoperable communications? That is so our various first responders can talk to each other, can communicate with each other across jurisdictional lines as they respond to a tragedy, to an emergency. As I said, we fully pay for this amendment, so all we need is a majority vote and we will be able to get this help to the police who need it so badly, and to the firefighters—the first responders.

One of the most painful parts of the September 11 attacks in New York was the loss of more than 300 firefighters and other law enforcement personnel who died inside the collapsing Twin Towers, trying to save so many beautiful, innocent lives that also wound up being lost. So many of our finest were killed—police officers, firefighters, other public servants—because they couldn't communicate with one another on the equipment they had. Imagine, they could not communicate in this crisis with one another because of the bad equipment that they had.

This was not a new problem. As the 9/11 commission report points out:

The New York Fire Department's radios performed poorly during the 1993 World Trade Center bombing, for two reasons. First, the radio signals often did not succeed in penetrating the numerous steel and concrete floors that separated companies attempting to communicate; and second, so many different companies were attempting to communicate on the same point-to-point channel that communications became unintelligible.

We have known this from the 1993 World Trade Center bombing. The inability for our first responders to communicate with one another hampered them way back then. We have a repeat of those two problems 8 long years later, on September 11, 2001.

There is a lot of talk in Washington about the fact that we are going to get hit again. We were called up to a secret room up there and we were told that. Then 5 minutes later Secretary Ridge told the whole country—so I am not saying anything out of school here—that we were going to be hit in this country before the election. Under this administration—forget about any new administration, whether there will be a new one or the same one—we were told by this administration that we were

going to be hit this year. This is an important bill on which my colleagues are working so hard.

I commend both sides of the aisle for their work on this bill. This bill is deficient and we are trying to make it better. One of the ways we can make it better for a relatively small amount of dollars—and I will tell you how I pay for this in a moment—is to make sure our first responders across our country get help so that they have the funds to be able to communicate with one another.

We have not fixed the problem after the World Trade Center. We have not fixed the problem after the Twin Towers calamity and the Pentagon calamity, and it is unacceptable. That is the bad news. The good news is we can do something about it today. Thank goodness this bill is before us so we can let the American people know their security and protecting them is not so many words; it is reality. We are doing something. But in the area of interoperability, what is in this bill is so small and it doesn't even call for a grant to actually purchase equipment. Can you imagine? It doesn't even call for grants to purchase the equipment. Our local responders know what they need, and we should be helping them purchase the equipment they need.

Our emergency public safety personnel must be able to speak to one another in real time. I am on the first floor of the building and I have gotten a report that something is wrong on the fourth floor of the building and communicate that to all of the emergency personnel so they know something is happening on the fourth floor of the building, and they can act because time is life in that world. Time is life in that world.

Almost every community in California I visited over this break—I spent my entire July and August at home. I visited small cities and big cities and small counties and big counties and rural counties and suburban counties and urban counties. Let me tell you, they all told me they need interoperable communication, that they need our help in funding it and they need it as soon as possible.

Let me go on the record stating that we have been warned. If, God forbid, there is another tragedy and the first responders can't talk to one another, it is our fault because we have the resources to do it. We have to do it. Lots of secret meetings don't do us any good to find out we are going to be attacked if we don't act.

Senator BYRD said the emperor has no clothes. That is one way of putting it. Today is a chance to put some clothes on the emperor. It is also a chance to have a real defense—not a Wizard of Oz defense that has a lot of bells and whistles, and color codes and orange lights and red lights and duct tape and all the other things—to put some equipment into the hands of our first responders and have a real defense so they can catch something before it

happens, and if they catch it when it happens they can make sure people's lives are saved.

Developing a single radio system will make a real difference in public safety, but paying for it is a huge burden on our local people. We need to give them the funding they need to purchase the technology that makes interoperability possible. Our first responders must be able to communicate with one another in that real time. They should not have to rely on their cell phones in a time of emergency. We need to do our job so they can do their job.

The administration's budget contains nothing for interoperable communication. The appropriations bill we are now considering only has \$31 million for research and technical assistance. Our first responders' first priority is not research, it is equipment. They know what they need. They are smart. This is their life. This is what they do every day. They are ready to make the purchases they need. So what are we doing? We have technical assistance from Uncle Sam. That is not what they need. They need to be able to have the hard dollars to go do what they have to do from the ingenious American technology sectors of our great country and put those units to work so they can talk to each other and they can rely on those communications.

My amendment goes a long way to addressing this issue. It would provide an additional \$70 million to help State and local agencies improve existing communications systems or purchase new systems. This funding would help our local agencies purchase equipment for real time, interoperable communications between first responders. This \$70 million would be above the \$30 million in the bill I talked about for research and technical assistance. The funding in my amendment is offset.

Let me repeat that. We are paying for this. I am going to ask the American people to judge along with the Senators how that \$70 million should be spent.

There is \$70 million in the bill from the human resources account. The Office of the Under Secretary of Management wants to design and deploy a new human resources system—a human resources system—and they are going outside the Federal Government to do it, hire high-paid consultants to do it instead of keeping the money where it belongs, in the hands of the first responders. We are going to have a new human resources system, another layer of bureaucracy brought to you by outside consultants who are going to probably go to lunch at the fancy places in Washington and send us the bill. I would rather give the money to my firemen and my policemen and policewomen any day of the week. That is the case you have. You can keep the money in there for this human resources account and spend this money on outside fancy consultants who are going to tell us how to deal with our human resources or we can get that \$70

million and give it to the first responders.

That is what we say we are for. We say we are for defending the homeland. Let us prove we are for defending the homeland.

I propose shifting the funds from the luxury and the frills while our emergency responders can't even talk to one another in a burning building. There is time for frills, my friends, and there is time for real decisions to be made. This is not the time for frills. This is a time to make a decision that our first responders are more important than some consulting firm that is going to make millions off the taxpayers for no reason whatsoever.

If our people do not know how to handle human resources, then get new people who know how to handle human resources. I thought that is why we paid management. That is what I think you should do. I have been in the private world, and the bottom line in the private world is you hire people to handle management. If you are going to take the money out of the business and go outside to hire high-paid consultants, then fire the people you have. If you want to do that, fire the people you have. If you have no trust in their management capability, fire them and then take care of that and put it into first responder funding.

After 9/11 we all asked what could we have done better? How could we have been better prepared? And the answer came back to me. I represent the largest State in the Union. We have high targets in our State, beautiful bridges and buildings. We have very famous landmarks in my State. We worry about terrorist attacks. My people are no-nonsense people. They know frills when they see it. And they know. I have talked to them. They know that one of the most important things our fire people and our police people need is to be able to talk to one another in an emergency in real time. If there is a terrorist attack on a railroad track, they have to get that word out up and down that rail line.

If there is an attack on a high building, on a high floor, the people coming in the building need to know something has collapsed up there. They need to know not to run up there and face the chaos of hell. They need to talk to one another. It is fairly basic.

The choice is clear. This amendment is an important step in fulfilling our responsibility to protect the homeland and to do it in a fiscally responsible way.

I am pleased Senator REID is a sponsor of this amendment, and I am very proud that Senator FEINSTEIN is. I hope we can get some Republican support. This is paid for by a frill that we do not need.

The first responders in our States are the heroes. We say it every day. There is not one Member who does not say it every day. If they are the heroes and they are telling us they need this, then let's do it.

I ask unanimous consent to add Senator CLINTON as a cosponsor to my amendment.

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

Mrs. BOXER. I have some articles, including this one from the PR Newswire Association. It says:

Almost three years after the 9/11 terrorist attacks, thousands of police and fire divisions in cities and counties across the USA still do not have coordinated communications capabilities. This unresolved national crisis—referred to as a lack of “interoperability”—is prompting the First Response Coalition to reach out directly to more than 43,000 local police and fire officials to solicit their help to get Congress to . . .

I ask unanimous consent to have that printed in the RECORD.

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

[From the PR Newswire Association, Inc., August 25, 2004]

NEARLY 45,000 U.S. POLICE, FIRE OFFICIALS URGED TO PUSH CONGRESS TO SOLVE FIRST RESPONDER INTEROPERABILITY CRISIS; HUNDREDS OF RANK-AND-FILE FIRST RESPONDERS EXPECTED TO OPPOSE GIVEAWAY TO NEXTEL

Almost three years after the 9/11 terrorist attacks, thousands of police and fire divisions in cities and counties across the United States still do not have coordinated communications capabilities. This unresolved national crisis—referred to as a lack of “interoperability”—is prompting the First Response Coalition to reach out directly to more than 43,000 local police and fire officials to solicit their help to get Congress to overturn the Nextel spectrum grab in favor of a plan that deals both with the interference problem and the interoperability crisis.

Gene Stilp, who is the First Response Coalition coordinator and a volunteer firefighter, EMT and vice president of the Dauphin-Middle Paxton Fire Company 1, in Dauphin, Pennsylvania, said that, “the FCC plan is wrong for police officers and firefighters. It only take on part of the interference issue and doesn’t do a thing about interoperability. The FCC plan is short-sighted, and, if we don’t act together, we’ll miss the opportunity to get Congress to step in and solve both the interference issue and the significantly larger interoperability problem.”

The letters to a total of 42,463 police and fire officials in all 50 states started going out earlier this month and responses are just now starting to come in. The outreach program is getting a very favorable grassroots response including over 17 fire chiefs who have joined the ranks of the First Response Coalition in opposing the FCC’s current plan for the taxpayer-owned spectrum.

In the letter, the First Response Coalition proposes a plan to “auction off the spectrum that the FCC plans to give away and dedicate the \$5–10 billion that would be raised for communication system upgrades. (The plan) also would accelerate regional deployment to ensure that a majority of systems nationwide are upgraded by 2006.”

“Nearly three years after the tragedy of 9/11 was made worse because first responders could not adequately communicate with one another, almost nothing has been done to address the interoperability crisis,” said Bill Fox, a New York Metropolitan Fire commissioner and a member of the First Response Coalition.

During August, the Coalition is underscoring its call to action with key Capitol

Hill meetings, including sessions with U.S. House of Representatives members serving on Energy and Commerce, Government Reform and the Select Committee on Homeland Security. The coalition also has met with the U.S. Senate Governmental Affairs and Commerce committees.

ABOUT THE COALITION

The First Response Coalition (<http://www.FirstResponseCoalition.org>) consists of citizens, individual first responders, and advocacy groups who are particularly concerned about first responders having the best possible communications capabilities. The First Response Coalition believes interoperability issues must be addressed by the FCC or Congress in any plan that reorganizes spectrum and, as a result, will disrupt public safety communications systems across the country. The First Response Coalition has developed a white paper, “It’s Time to Talk: Achieving Interoperable Communications for America’s First Responders,” which is available online at <http://www.FirstResponseCoalition.org>.

Since its launch in June 2004, the First Response Coalition has grown to include the National Black Police Association, the American Legislative Exchange Council and the California Seniors Coalition. In addition to Stilp and Fox, a number of other individual first responders—including fire chiefs from around the nation—have joined the Coalition’s initial members.

Mrs. BOXER. I ask unanimous consent to have an article from the Desert Sun, Palm Springs, CA, printed in the RECORD. In this particular area of my State, the Republicans are in most of the elected offices. They say every single day they are all on a different radio frequency and they don’t have the ability to communicate. It is amazing, because it is 2004.

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

[From the Desert Sun (Palm Springs, CA), July 4, 2004]

FIRST RESPONDERS HOMELAND DEFENSE ACT (By Lois Gormley)

Homeland defense could get \$300 million a year in federal money under legislation sponsored by Sen. Barbara Boxer to develop a communication system that would allow first responders to talk to each other.

“If we expect our first responders to do their jobs, we need to help them,” Boxer, D-Calif., said Saturday.

Boxer discussed the First Responders Homeland Defense Act she introduced in March during a visit to the Coachella Valley. “Every single agency in this valley—really the state—we’re all on a different radio frequency,” said Capt. Sandra Houston, commander of the Indio area California Highway Patrol.

The inability of different agencies to communicate with one another during an emergency is a major obstacle to working together and being able to relay information immediately.

“We don’t have that ability and it’s amazing because it’s 2004,” she said.

The problem, usually caused by incompatible equipment, can sometimes translate into loss of lives, as it did during the Sept. 11 terrorist attacks, Houston said.

Boxer’s bill, if passed, would provide \$50 million a year in grants to nonprofit organizations to conduct training and \$300 million a year in grants for communication systems.

The act also would provide a hotline to help first responders navigate the often con-

fusing and time-consuming task of finding and obtaining federal grant money.

“There are so many different strings of funding coming from so many different places, it’s a full-time job to keep track of it all,” Boxer said.

She discussed the key points of her bill after meeting with local police, sheriffs, and highway patrol officials at the Palm Springs Police Department’s Training Center.

The inability to communicate with one another has long been a point of concern for valley law enforcement officials.

Desert Hot Springs Police Chief Roy Hill said he, Palm Springs Chief Gary Jeandron and other valley police chiefs have been looking into federal funding options for an inter-operable radio system for about six months and recently submitted a request for grant funding.

Riverside County has also been exploring the costs and benefits of developing a regional system that would bring all of the county’s 54 public safety agencies onto shared frequencies.

Boxer’s legislation could provide the money needed to solve what is a statewide problem.

“They need to speak to each other in real time but very few communication systems in California have that ability,” Boxer said.

Her bill, SB 2239, is now in the Senate Committee on Governmental Affairs.

In a closed-door meeting with local law enforcement officials, Boxer talked about their efforts to improve homeland security.

She also brought them up to date on federal funding and proposed cuts by the president, and the survival of older law enforcement grant programs that help keep police and sheriff’s departments well-staffed, equipped and trained.

Hill said the grants are particularly important to smaller departments.

Mrs. BOXER. And from the Contra Costa Times, “Gaps in Communication”:

We have a patchwork of communication systems out there, and we do what we must to make it work. . . . But there are times where we’re only one step above tin cans and string.

Further in the article:

We can literally be rolling side by side with a unit from another city and not be able to talk to them. It’s not too difficult to imagine how crazy things could get with several agencies converging for one incident.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Contra Costa Times (Walnut Creek, CA), September 5, 2004]

GAPS IN COMMUNICATION (By Guy Ashley)

If the airliner hijackings of Sept. 11, 2001, drove a dagger into the nation’s heart, the news that followed was a splash of salt on its wound.

Soon after thousands of people died in the World Trade Center, investigators unearthed evidence that as many as 100 firefighters killed when the two towers crumbled might have survived had their emergency radios worked.

To most of us, the fatal shortcomings of basic equipment seem unimaginable.

But to those who keep up with such things, including the first responders on the front lines of emergencies throughout the East Bay, the radio breakdowns of Sept. 11, 2001, not only rang familiar, they hinted at the

disastrous potential of communications failures that persist to this day.

"We have a patchwork of communications systems out there, and we do what we must to make it work," said Robert Maginnis, an assistant Alameda County sheriff. "But there are times where we're only one step above tin cans and string."

The Sept. 11 attacks were far from the first glaring example of a public safety communications breakdown amid large-scale disaster.

Nightmares still flare about the 1991 firestorm that swallowed neighborhoods in the Oakland and Berkeley hills. Firefighters from surrounding communities converged swiftly on the chaotic scene that October day, but were left to watch the inferno rage because they could not communicate with officials coordinating the response.

In the rubble wrought by the 1995 Oklahoma City bombing, radio breakdowns forced emergency workers to ferry handwritten notes to and from the ravaged Alfred T. Murrah Federal Building.

But those headline-grabbing ordeals are outnumbered by the all-too-ordinary instances where a quick-thinking East Bay police officer or firefighter must work around transmission blockages that leave them feeling that their safety, and their ability to protect the public, hangs by a thread.

"Knock on wood, it's never created a life-or-death situation," said Lt. Steve Pricco of the San Leandro police, whose officers cannot communicate directly with police in two adjacent cities because of incompatible radio systems.

"It's something all of us have had to work around for years . . . and it's just a fact that it slows down our ability to coordinate a response" with neighboring police, Pricco said.

Surely, in the era of Homeland Security czars and their multicolored alert systems, of special commissions and congressional hearings, a fix must be at hand.

But a Times survey found otherwise. Interviews and a review of other evidence showed that emergency radio problems caused by incompatible technologies and overcrowded frequencies abound across the East Bay.

"We can literally be rolling side by side with a unit from another city and not be able to talk to them," said Livermore police Lt. Scott Trudeau. "It's not too difficult to imagine how crazy things could get with several agencies converging for one incident."

Experts pin the blame on a longstanding public-sector mindset that local needs take precedent over regional, and on radio manufacturers who routinely design their equipment with proprietary parts and software, so that incompatibility with systems designed by rival companies is commonplace.

Throughout the East Bay, the resulting incompatibilities make for illogical communication gulfs and a few strange bedfellows:

Richmond police can't radio sheriff's deputies in their own county but can talk with Oakland and BART police via radio with little effort.

Oakland police cannot speak directly on their radios with officers from their two biggest neighbors—Berkeley and San Leandro, Berkeley police, meanwhile, can't speak directly with officers who operate within their city on the University of California campus.

Nobody uses the same band of radio frequencies as the California Highway Patrol. Nobody, that is, except the East Bay Regional Park District.

Walnut Creek, Pleasant Hill, Concord, Clayton, Pittsburg and Martinez police cannot radio firefighters in their cities. Neither can Pinole or Hercules police.

BART police cannot radio city police departments anywhere along the Pittsburg-Bay Point line: Lamorinda, Walnut Creek, Pleasant Hill, Concord or Pittsburg.

Oakland police and Alameda County sheriff's deputies mingle among rowdy fans while splitting security duties at Oakland Raiders games, but if the fun turns to mayhem, the two agencies cannot speak to each other on their portable radios.

Ambulances cannot communicate directly with fire crews in Richmond. To receive updated information at the scene of an emergency, ambulances must instead talk through a dispatcher in a remote location.

Workers caught in the confusing web of incompatible communications systems have talked for years about a logical solution, an "interoperable" regional radio system that could be easily accessed by all of the East Bay's public safety and emergency services agencies.

Lately, there have been signs that the years of talk are finally being converted into action.

A new "working group" of Alameda and Contra Costa officials formed this year to address first responder communications problems. The group has hashed out a rough plan to pool Homeland Security funds due the East Bay for a down payment on a regional system, which could cost as much as \$75 million.

But such a system is at best several years away, thanks to a shortage of funds available to financially challenged local governments and the need for consensus among all agencies likely to participate.

Meanwhile, concerns persist about what police, firefighters and other first responders are working with today.

Public safety agencies, the backbone of any emergency response, are forced to work around plugs in the regional web of communications systems as officers chase vehicles fleeing into neighboring cities, or firefighters are called on to provide backup on a fast-moving fire.

The same problems hinder electronic links to ambulances. They hover with menacing potential over radio links to National Guard units that routinely are called upon to keep order in large-scale emergencies, as well as public works and water agencies whose contributions could prove pivotal in a fast-moving crisis.

"Having the communications linked is not a strength here," said Leslie Mueller, operations director for American Medical Response, the private ambulance company that serves Contra Costa and the majority of other California counties.

Clashing communications equipment forces stopgap measures that can be confusing. East Bay firefighters, for instance, frequently ride with multiple sets of radios in hope that one will serve them during a regional incident.

Communities stockpile portable radios to pass out to outside responders in case of a large-scale emergency, a sensible solution as long as everyone knows where to go to get one.

In a large-scale incident, Trudeau said, "You have to literally grab a representative from another agency and pair up with them so the two agencies can talk."

Other area police officers note that when the California Highway Patrol helicopter is dispatched to an East Bay search-and-rescue incident, it often must land first and pick up a representative from a local police department.

That can be the only way crews on the ground can communicate with the helicopter, whose CHP radio is incompatible with that of most police agencies.

The most common way police and other first responders communicate when their radios don't mesh is through dispatchers: An officer in the street radios a request to a dispatcher, who feeds the message to a counter-

part in another city, who radios the message to officers in that city.

The system sounds complicated on paper, but it is performed with impressive coordination on routine calls day to day.

But first responders are dogged by a nagging fear that the system could break down in a large-scale disaster as dispatchers are besieged by radio calls from first responders in the field and 911 calls from residents seeking help.

The most obvious solution now available to dispatchers is to direct first responders to turn their radios on to "tactical" channels available to most radio systems.

But because only a handful of tactical channels are available to local responders, they easily can become overwhelmed with chatter during a large-scale incident—precisely what happened during the Oakland hills firestorm.

Agencies in Alameda and Contra Costa are taking another step to improve the systems they have. Both counties are installing new equipment that will "patch" signals from disparate radio systems together in emergencies.

The equipment, known as "black boxes," holds great potential in providing East Bay responders with a level of interagency communications capacity not previously available.

Again, though, the equipment has limitations.

Even with the "black boxes," one agency's radio equipment is only as good as the infrastructure that supports it, especially the transmission towers and "repeaters" required to transmit the messages of responders in the field.

If, for instance, an Oakland police officer is sent to Lawrence Livermore Laboratory to help in a large-scale incident, the officer's radio may not work, even with the "black boxes," because the radio will be so far away from the equipment that supports its signal.

Communications breakdowns that plagued first responders Sept. 11 have fueled the drive toward interoperability nationally and across the East Bay.

Experts have testified that the deaths of more than 100 firefighters who died in the south tower of the World Trade Center can be blamed in large part on incompatible radios, problems that the 9/11 Commission said "will likely recur in any emergency of similar scale."

The bite of past natural disasters, and the East Bay's possible appeal as a terrorist target in the future, offer reasons enough for the region to find a solution to its decades-long problems with incompatible communications systems, officials said.

"The mistakes that were made on Sept. 11, we can prevent them now," said Assistant Chief Chris Suter of the San Ramon Valley Fire District. "We should be working together."

Such solutions will pay dividends day to day, as well as when the Big One hits.

Just ask the law enforcement officers who were on duty when an Oakland police officer was killed July 22 in a traffic accident in Castro Valley.

Officer William Seuis, 39, of Pleasanton died when the motorcycle he was riding was struck by a truck on Interstate 238.

Witnesses to the afternoon accident called 911 to report that the truck did not stop and continued onto eastbound Highway 580. The call went to the California Highway Patrol, whose officers eventually stopped the truck described by witnesses in Dublin, about 12 miles away.

Alameda County sheriff's officials say the truck probably would have been stopped a lot sooner if two deputies traveling on I-580 just in front of the truck had known about the downed officer.

But they never heard about it. The CHP broadcast did not transmit on their radios.

"We don't need the 9/11 Commission report to tell us interoperability is a major concern," Robert Maginnis said.

Mrs. BOXER. Mr. President, I hope and pray the vote on this amendment is bipartisan. This amendment is paid for. It does not add to the deficit. It makes a choice between a frill of outside consultants coming in to tell management how to run the show.

If the administration is not happy with who is running the show, fire those people and get somebody else. But do not spend 70 million bucks of the hard-earned taxpayer money, when these working men and women who are our first responders, who are our heroes, who we rely on, are telling us they are one step above tin cans and a string to communicate.

I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. I yield the floor.

Mr. REID. Mr. President, I appreciate very much the Senator from California offering her amendment.

I want the Senator from California to recognize that Senator BYRD and I talked a little bit today about interoperability radios. At that time, I indicated I had met with all the sheriffs and law enforcement officers of the 17 counties of the State of Nevada. Every one of them lamented the fact—whether it is the fire departments in Clark County, the most populous city, Las Vegas, sheriff's department, or in Henderson, the second largest city in Nevada—departments cannot talk to each other.

I said this morning I think it costs approximately \$6 million or \$7 million to take care of that, but that was from memory and I was wrong. My staff heard me say that and, of course, got the correct figures.

In the city of Las Vegas alone, it will cost \$40 million to take care of their problem; for the city of New York, \$400 million. We have in this bill \$20 million to take care of radio interoperability. It is important we increase that to \$70 million plus the \$20 million.

Mrs. BOXER. It is \$30 million in the bill and we increase it by \$70 million for \$100 million.

Mr. REID. So we have \$100 million. That would do a lot. A lot that needs to be done is simply planning and designing how we will do that.

My point is, these are problems that are very difficult to take care of but they have to be done because you cannot have a situation such as we had in New York City where the people were dying in those towers because they could not talk to each other.

Mrs. BOXER. Will the Senator yield for a question?

Mr. REID. I am happy to yield for a question.

Mrs. BOXER. Wouldn't my friend agree that we are now saying to our

first responders all across the country, regardless of where they are, whether they are in Oregon, whether they are in Mississippi, whether they are in Nevada, whether they are in New Hampshire or whether they are in California, are we not saying to them that they, in essence, have to respond to an attack on our homeland that is, in fact, part of the war on terror? Are we not telling them when 9-1-1 is called at a local level, regardless of the crisis, if it is attached to terrorism, it is, in fact, a national attack?

Mr. REID. The Senator from California is absolutely correct. It is a national attack.

In the Senate I have something called a BlackBerry. My staff in Las Vegas can contact me on this. Whether it is Carson City, Reno, my staff up here in the Capitol, my staff in the Hart Building, they can contact me on this. There is a low vibration, I pick it up, read what they have to say, and I can communicate back with them—yes, no, let's do it later or a longer message.

We have the ability to communicate in the Senate.

It is important for us to be able to communicate. As the Senator knows, we came together as Members of Congress quite a few years ago. Back then faxes did not work very well. But now we have so many different ways to communicate with each other. It seems to me if we can communicate the way we do, our first responders should be able to communicate.

The Senator has made a small step toward a big problem, an important step but it is not one to break the bank.

Mrs. BOXER. We pay for it.

Mr. REID. We sent to Iraq last year—and I also mentioned this to Senator BYRD earlier—in supplemental appropriations—meaning appropriations over and above the normal appropriations we do, last year we sent a first supplemental of \$69 billion and the second was \$87 billion. Couldn't we spend \$70 million on my State in Nevada and California?

Mrs. BOXER. I say to my colleague, in an attempt to get some votes from the other side of the aisle, we actually found an offset. We are not adding; we are cutting out a part of this bill that deals with an outside consulting contract to bring people in on human resources development.

As I said to my friend, if this administration does not think they have the right management in place that can handle their human resources, then they should get rid of them and get new people. But the fact is, they are spending in this bill \$70 million on fancy-dressed outside consultants who eat in the best restaurants in town, while the least we could do is put that off and let the management do their job there and use this funding to help our people on the ground.

Does my friend agree this is a time when we cannot really afford frills,

that we need to spend the money where it is most needed, in the hands of our first responders?

Mr. REID. The Senator is absolutely right. We will have, as soon as this vote is called, a simple majority vote. That is all it will take now.

Mrs. BOXER. That is right.

Mr. REID. Today, we have had supermajority votes because there have been points of order because there have not been offsets. I, of course, would vote for this amendment whether it had an offset or not because it is so important. I appreciate this amendment.

When we send our people to battle in Iraq and Afghanistan and other places, they have the ability to communicate with each other. That is modern warfare. But with modern firefighting, police work, as with other first responders, they do not have that same benefit. That is certainly something they should have.

I hope this amendment is adopted. I hope our friends on the other side of the aisle will recognize how important this is. It is just the evidence we need to do more. As I say to my friend from California, this is a step in the right direction. We need to do a lot more. I certainly hope this amendment is adopted. I hope it is by an overwhelming margin.

Mr. JEFFORDS. Mr. President, I express my strong support for the amendment offered by Senator BOXER to provide \$70 million to our Nation's first responders for interoperability.

In the days following 9/11, interoperability became one of my chief concerns. I was appalled that our first responders did not have the tools they need to communicate with each other. I know that some progress has been made in distributing funds to States and localities to develop interoperable communications plans and to purchase interoperable equipment. However, I continue to be dissatisfied with the levels of commitment and funding dedicated to this critical need by this administration. It is clear that the Congress needs to take a leadership role to ensure that our first responders are adequately equipped to deal with future disasters, whether caused by terrorism or natural weather events. I urge my colleagues to support additional funding for interoperability.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we appreciate the distinguished Senator from California—

Mr. REID. Mr. President, will the Senator yield?

Mr. COCHRAN. I am happy to yield to the Senator.

AMENDMENT NO. 3608

Mr. REID. Mr. President, we have gotten approval from the Judiciary Committee on the very fine amendment offered by the Senator from Tennessee.

Mr. COCHRAN. Mr. President, I am happy to have that information from the distinguished leader. Previously

the Senator from Tennessee offered an amendment. We had set that amendment aside to see if it could be cleared on both sides. We are glad it has been cleared on both sides.

Mr. President, I ask unanimous consent that we call up the Alexander amendment.

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

Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3608) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3609

Mr. COCHRAN. Mr. President, I now ask unanimous consent that we return to the Boxer amendment.

The PRESIDING OFFICER. The Boxer amendment is pending.

Mr. COCHRAN. Mr. President, as I understand the amendment of the distinguished Senator from California, she proposes to add \$70 million to a grant program account that provides funds for State and local governments for a variety of purposes. The purposes include a strategy for dealing with homeland security issues, including training and exercises, equipment, including interoperable communications equipment and technical assistance, and may not be used for construction activities. The amount of money in that account in the bill is \$2,845,081,000. Her amendment would add \$70 million to that amount and earmark that \$70 million for interoperable equipment only.

Now, just looking at what this does to one State—let's just pick out California, coincidentally—funds have been made available to the State of California under this grant program for State and local governments in excess of \$680 million since fiscal year 2002. The State of California can use that money for interoperable communications. They can use it for other things. I do not know exactly what they are using the money for, but I assume they are using some of it for interoperable communications, as they are authorized to do, as they are permitted to do.

But what is a concern is to shut down a new management system that is being developed by the Department to make the Department more efficient, to make it operate more effectively, to take all that money, prohibit the use of any of that money, and add it to this other account. It seems to me it is second-guessing the decision made by the full Committee on Appropriations, and our subcommittee in particular.

When we analyzed the request from the Department of Homeland Security, there was a request for \$102.5 million for a program to develop a new pay system, performance management, managerial training, to modernize the

human resource system of the Department of Homeland Security.

Our staff conferred closely with the Department, asked questions about what this would do, how important was it, and went through the drill. We also had an opportunity to review our staff's assessment of it. The committee decided to approve \$70 million of that \$102 million request. The work is now underway. The work is to develop and put this in place. It would be a big mistake at this point to take that \$70 million and shift it to another program, where we already provide a substantial amount of money, as I said, \$2.8 billion, for these grants to State and local governments, and then to earmark some parts of that just for interoperable communications equipment. The point was to leave these judgments up to State and local entities, not to, as a U.S. Congress person or a Senator, make these decisions for the States.

California has plenty of money in this account to buy a lot of interoperable communications equipment if they want it, if they need it. But to make a judgment as to how they should use the money now and earmark certain parts for specific functions is beyond our ability to really make the decisions and make them in a correct way that serves the final goal, the objective of an improved national homeland security program.

So we are strongly opposed to the adoption of this amendment. We think it would be a mistake. It may sound good to some, but it does not make any sense to this Senator. The subcommittee has worked closely with the Department to understand the need for the human resources system. It has helped determine the level of spending to allow the Department to move forward with this system. We concluded the funding included in the bill is necessary for the Department to be able to move forward with a pay-for-performance system.

I do not have anything else to say about the amendment. It is offset. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from North Carolina (Mrs. DOLE), the Senator from Oklahoma (Mr. NICKLES), and the Senator from Oregon (Mr. SMITH) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The result was announced—yeas 46, nays 45, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—46

| | | |
|-----------|-------------|-----------|
| Alexander | Domenici | Miller |
| Allard | Ensign | Murkowski |
| Allen | Enzi | Roberts |
| Bennett | Fitzgerald | Santorum |
| Bond | Frist | Sessions |
| Bunning | Graham (SC) | Shelby |
| Burns | Grassley | Snowe |
| Chafee | Gregg | Specter |
| Chambliss | Hagel | Stevens |
| Cochran | Hatch | Sununu |
| Coleman | Hutchison | Talent |
| Collins | Inhofe | Thomas |
| Cornyn | Kyl | Voinovich |
| Craig | Lott | Warner |
| Crapo | Lugar | |
| DeWine | McConnell | |

NAYS—45

| | | |
|-----------|-------------|-------------|
| Baucus | Durbin | Lieberman |
| Bayh | Feingold | Lincoln |
| Biden | Feinstein | McCain |
| Bingaman | Graham (FL) | Mikulski |
| Boxer | Harkin | Murray |
| Breaux | Hollings | Nelson (FL) |
| Brownback | Inouye | Nelson (NE) |
| Byrd | Jeffords | Pryor |
| Cantwell | Johnson | Reed |
| Carper | Kennedy | Reid |
| Conrad | Kohl | Rockefeller |
| Daschle | Landrieu | Sarbanes |
| Dayton | Lautenberg | Schumer |
| Dodd | Leahy | Stabenow |
| Dorgan | Levin | Wyden |

NOT VOTING—9

| | | |
|----------|---------|---------|
| Akaka | Corzine | Kerry |
| Campbell | Dole | Nickles |
| Clinton | Edwards | Smith |

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I understand we may have an amendment to be offered by the Senator from Iowa at this time.

Mr. REID. Senator HARKIN is in the building and he should be here momentarily.

Mr. COCHRAN. There are Senators who have indicated an intention to offer other amendments. We are reviewing some at this time. We hope to be able to accept some of these amendments. We appreciate the cooperation of all Senators today. We have made excellent progress on the bill. We have taken up a number of amendments and voted on them and we hope to be able to complete action on this bill on Tuesday evening. We hope it is not late Tuesday evening. So we are making every effort to organize our effort and encourage those who do have amendments to please let the committee know about the amendments. We have an identified list that is in order, and for those who intend to offer amendments, the sooner they can get us copies of those amendments, the sooner we may be able to let them know whether we can accept them or suggest modifications that could be acceptable.

We would like to cooperate with all Senators in moving the bill along with dispatch. We do not see any need to delay the Senate and to cause us to be in late tonight or tomorrow. We know

some Senators have plans for travel and we are hoping we can take up another amendment or two tonight and then be able to work on other parts of the bill tomorrow as well. I thank my colleagues for their cooperation with the committee.

I understand the Senator from Iowa is on the floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3612

Mr. HARKIN. Mr. President, I ask that my amendment, which is at the desk, be called up on behalf of myself and Senator BIDEN.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa (Mr. HARKIN), for himself and Mr. BIDEN, proposes an amendment numbered 3612.

Mr. HARKIN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To restore the maximum percentage of hazard mitigation contributions that may be made for a major disaster)

At the appropriate place, insert the following:

SEC. ____ HAZARD MITIGATION.

Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended in the second sentence by striking "7.5 percent" and inserting "15 percent".

Mr. HARKIN. Mr. President, I thank the chairman for giving me this time to lay my amendment down and discuss it for a few minutes. It is a very simple amendment. It has to do with FEMA, the Federal Emergency Management Agency's postdisaster Hazard Mitigation Grant Program. For colleagues who may not be familiar with the postdisaster Hazard Mitigation Grant Program, this is money that is sent by FEMA to the States following disasters such as floods, tornadoes, or hurricanes that have affected so many of our constituents this year. The assistance follows, and it is in addition to the immediate disaster assistance for cleanup and reconstruction. This money is for hazard mitigation. It is used to reduce the likely devastation of future disasters by buying out flood-prone property or by flood-proofing, stabilizing buildings or other structures, building hurricane shelters, seismic retrofits for earthquake or shock absorption, and for drainage improvements.

This money helps to reduce what it is going to cost us in the future for other disasters, so it saves lives and it saves money in the long run. These moneys are in addition to the moneys that go out for immediate reconstruction.

In 1993, I and some other Senators led an effort here to ensure that the grants would provide an additional 15 percent in FEMA money for whatever was provided for both in public and individual assistance. So it has been at 15 percent

since 1993. In 2003, that percentage was cut in half, to 7.5 percent. The bill before us today leaves that lower funding level in place. This is totally inadequate. Let me give some examples.

Following the Midwest floods of 1993, it became apparent that the then-level of mitigation disaster assistance, which was at 10 percent, which was in the original Federal law, was not enough. Again, as I said, I and other Senators worked to increase this from 10 percent to 15 percent. Keep in mind, that 10 percent was in the original law.

In 2003, that percentage was reduced to 7.5 percent. Since we increased that to 15 percent, there has been tremendous success in reducing disaster risk in many communities all over the Nation. Many communities in the Midwest that suffered flood damage in 1993 saw a major reduction in applications for emergency aid for damage due to subsequent floods, thanks to these hazard mitigation grants.

One example I have, and I have many, is in Louisa County, IA. They have a floodwall that was designed to protect against a 500-year flood. But when this levee is damp for an extended period of time, the water seeps through and damages property. In the flood of 1993, 275 homes were damaged; 200 residents were evacuated. It was not feasible just to go in and demolish all these houses. They have a lack of affordable housing in that area. But luckily, with these mitigation funds, a local entity stepped in, used the hazard mitigation funding to move and refurbish the salvageable houses, and to protect them from future flooding.

This repeated itself in 2001, but because we had used the hazard mitigation funds we avoided more than \$1.2 million in losses that would otherwise have occurred. How do we know that? Because that is what occurred almost 10 years earlier in the flood of 1993. That is what we were just talking about in terms of money. But I remind my colleagues that these savings do not include the noneconomic heartbreak, stress, and trauma that goes along with losing your home, family pictures, all you have worked for, overnight. That is why I was so dismayed to see the 15-percent level reduced to 7.5 percent in the 2003 VA-HUD appropriations bill.

Some colleagues may have concern about amending the Stafford Disaster Relief Act on an appropriations bill that we have before us. I assure you, this amendment only restores a cut that was made in a previous appropriations bill.

Also, for my colleagues who may not be here but may be watching this on their sets in their office, I also want to note that the House has already passed this restoration. The House of Representatives has already restored the hazard mitigation funds from 7.5 percent to 15 percent. So, again, as we have seen what has happened, especially the devastation we have had in Florida, we really do need to make sure

we have not only the funds to respond but to mitigate in the future.

I hope Florida is spared another hurricane, but we know that hurricanes will hit Florida sometime in the future. That is just where the hurricane track goes.

I want to read a quote from the Wall Street Journal on August 16 of this year from Frank Reddish, the Dade County emergency management coordinator, referring to Hurricane Charley:

Anyone looking at this can clearly see that Charley was a pretty good terrorist. He did a much better job than al-Qaida ever could.

I am all for doing everything I can to protect our country against terrorism. But we also must protect against future floods, hurricanes, tornadoes, earthquakes. One of the best ways we do that is through hazard mitigation; to do things that will prevent the kind of damage that will occur in these future catastrophes. So think about it as combating terrorism. We don't wait until the terrorists strike. We do things beforehand. That is what hazard mitigation is for, to protect us beforehand. Don't just wait until the event occurs but let's go ahead and invest in making sure our houses, our facilities, our public utilities and others are, to the best extent possible—after they have been damaged in a catastrophe—to make sure they have the funds necessary so if such a catastrophe strikes again, they will not be subject to such terrible losses.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HARKIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, as I understand the amendment proposed by the distinguished Senator from Iowa, it would change the percentage by which mitigation funds are calculated to be due from the Federal Emergency Management Agency. The Disaster Relief Fund, which we replenished with a supplemental appropriations bill just yesterday with the approval of \$2 billion of new money, is an example of the stress that has been placed on this fund because of recent disasters in Florida and elsewhere. To refresh the memory of Senators, the program involves a disaster relief and mitigation funding program. The Disaster Relief Fund provides individual assistance to those who have been displaced from their homes in disasters.

It helps pay for food, shelter, and other emergency needs. FEMA—the Federal Emergency Management Agency—administers this program after a disaster. As I understand, approval of the amendment would increase the funds FEMA has to pay out of the Disaster Assistance Fund. I am, frankly, not clear in my own mind exactly how this works, but I am advised this is

going to have the net effect of more than doubling the Federal obligation in disaster assistance. Every State that is declared by the President to be eligible for disaster assistance has its damages assessed and becomes eligible for mitigation money. I am told the fund that pays for mitigation benefits is like buying out homes which are in flood-prone areas or building retaining walls to help in the event of the next disaster. These are important efforts to undertake so future disasters will not result in the same kind of damage and will be mitigated or lessened, reduced. The Federal Emergency Management Agency calculates that 7½ percent over and above the amount of Federal disaster assistance it has provided and gives that money to States.

In the past 2 years and in this year's Homeland Security appropriations bill, there is another form of mitigation funding which is available to States called the Pre-Disaster Mitigation Fund administered by FEMA, to which States can submit competitive applications to receive mitigation funding before a disaster strikes. Any State, regardless of it having been designated a Presidential disaster, can submit a request and have it judged on its merits.

We have attempted to balance the various kinds of disaster assistance available to victims and available to States in this bill. We support the President's effort to offer assistance to communities before and after disaster strikes. It allows communities to raise risk awareness to help reduce the Nation's disaster losses through better mitigation planning, and the implementation of plan and cost-effective measures. We think at this point it is not the responsible course of action to double the formula and increase the amount States are going to be permitted and can claim from FEMA and not increasing the amount of money that is available to FEMA to pay out the money. This is language change. It is actually bill language. It is authorizing language on an appropriations bill. It doesn't belong on this bill. It should be considered first by the Environment and Public Works Committee, the committee that has legislative jurisdiction of these programs. I understand that committee has a bill that has been sent over to the House that deals with this issue. We should await the advice and counsel and action of the authorizing committee before we act on this proposal.

Because of those reasons, I urge the Senate to reject this amendment. I think it is clearly authorizing language, and it will be my intention—I don't want to cut off the right of any Senator to speak—to move to table the Harkin amendment and ask for the yeas and nays. But I will refrain from doing so until I am assured that Senators who want to speak on the amendment have a right to do so.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Alaska.

Mr. STEVENS. Mr. President, I commend the managers of the bill for the

way this bill is proceeding. But I want to make a plea to the Senate. We have been informed that the FBI, the Customs Service, the Immigration Service, and other portions of the Homeland Security Department are running short of money, as so many agencies are concerned with the problems of homeland security now. I consider this bill to be the second most important bill before our Appropriations Committee. We finished the Department of Defense bill which is the first bill. It was the bill to fund those who are serving in uniform abroad when we have forces involved in wartime circumstances. We did act on the Defense bill before the last recess. We are going to be in a period next week which is a very confusing period. It is a period justifiably recognizing a Jewish holiday that is coming up, but it is a situation I think that requires us to consider the time factor on this bill.

I am rising tonight to tell the Senate that it is my hope we will finish this bill by next Tuesday. If we get this bill passed by the Senate next Tuesday night, we can get it to the House and we can get conferees appointed and the various conference staff who are not involved with the holiday we are going to observe will be able to work on the bill. I hope we can get this bill to the President before the end of this month. September 30 is the end of this fiscal year. These agencies need this money. The agencies of the Homeland Security Department need this money by October 1.

I plead with the Senate to recognize the time factor and cooperate with the managers of the bill. It is entirely possible for us to finish this bill by next Tuesday as far as I can see.

I again congratulate particularly my good friend, the chairman of the subcommittee, for the way this bill is being handled.

But please consider the effect of not getting this bill passed in time for the money being available on October 1. A continuing resolution will have to be before us sometime next week, but it will continue the Department of Homeland Security at the existing level. This bill represents an increase in money for various agencies in the Department of Homeland Security, and that money is necessary by October 1. It is a security matter now. It is not a matter of adopting a resolution for departments that can operate for at least a month or so on the continuing resolution. This committee cannot and should not operate on a continuing resolution. I urge the Senate to help us get this bill passed by next Tuesday night.

I thank the Senator for yielding the time.

Mr. COCHRAN. Mr. President, I thank the chairman of the full committee, my friend from Alaska, Senator STEVENS, for his kind comments about managing this bill. I appreciate his urging also that this bill be completed on Tuesday. We think that can

be done. We think with the cooperation of the Senate it will be done.

I am now advised the amendment of the Senator from Iowa does contain general legislation, and because of that a point of order might be sustained under rule XVI. Therefore, I raise a point of order under rule XVI that the amendment constitutes general legislation on an appropriations measure and is not in order.

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

Mr. COCHRAN. Mr. President, the Senator from Virginia has an amendment. This may be a good time for him to offer that.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, at the direction of the Senator from Mississippi, Senator COCHRAN, I ask unanimous consent to call up amendment 3610.

The PRESIDING OFFICER. Is there objection to the Senator calling up his amendment? Without objection, it is so ordered.

AMENDMENT NO. 3610

Mr. COCHRAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. ALLEN], for himself and Mr. WARNER, proposes an amendment numbered 3610.

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

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

The amendment is as follows:

(Purpose: To direct the Director of the Federal Emergency Management Agency to conduct an investigation of the Shockoe Creek drain field in Richmond, Virginia, to determine means of preventing future damage from floods and other natural disasters.)

At the appropriate place, insert the following:

SEC. ____ INVESTIGATION OF SHOCKOE CREEK DRAIN FIELD, RICHMOND, VIRGINIA.

As soon as practicable after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall conduct an investigation of the Shockoe Creek drain field in Richmond, Virginia, to determine means of preventing future damage in that area from floods and other natural disasters.

Mr. ALLEN. Mr. President, I offer this amendment on behalf of myself and also my colleague, Senator WARNER from Virginia.

This amendment has to do with directing the Director of Federal Emergency Management Agency to conduct an investigation of the Shockoe Creek drain field in Richmond in order to prevent future damage from floods and other natural disasters. This amendment does not call for any additional spending.

Many Members may not be aware that, less than a week ago, remnants of Tropical Storm Gaston pounded the

Richmond area with rain and flooded many areas, leaving eight people dead. This storm dumped more than a foot of rain on the Shockoe Bottom area of Richmond, the oldest historic part of Richmond. The flood waters rose about 8 feet in 15 to 20 minutes, finally leaving about 20 blocks of the low lying bottom swamped in up to 10 feet of muddy runoff.

In this area of very old brick buildings, most thought they were protected from the James River flooding by a flood wall. What actually happened was the rising waters came from the land side down Church Street, as opposed from the river side and flooded this whole Shockoe Valley watershed.

I was there Monday and saw these business owners who were trying to shovel and take out buckets of mud and disinfecting their shops. It is a lot of work. At least 150 families had to leave homes that were declared uninhabitable. The floods destroyed over 35 various small businesses that had invested and renovated a lot of the old historic structures. There were 25 restaurants out of business that are going to have to clean up and disinfect and will need health certificates to reopen. Dozens and dozens of businesses are condemned, most of them condemned because of wrecked electrical systems. Actually, several buildings were even demolished. It will take a great deal of work, a great deal of patience, and a great deal of risk-taking for this wonderful historical area that had been recently renovated and rejuvenated to actually come back to life again.

Most of the people, all but one, did not have flood insurance because the insurance folks and the lenders all figured with a flood wall you do not have to worry. One in particular, Sosie Hublitz, owner of the Kitchen Table, had to shut down because of the terrible flooding at her restaurant. All her life savings went into opening the business, plus \$200,000 in loans. She still owes half of that and is worried about getting deeper in debt. Hublitz didn't have flood insurance.

So there will be added costs. I am sure the insurers and the lenders will have added concerns before future investments can be made.

The most encouraging aspect was the spirit of the people in this painstaking process, as tedious and tough as it is to be cleaning all that mud out, worrying about the mold and the bacteria, yet they still have a great spirit.

These folks were concerned about such an act occurring again, with so much rain falling that quickly. This Shockoe area has a drainage system designed to prevent this problem. In the 1920s, a 27-foot culvert was put in underground to replace Shockoe Creek. Obviously that did not do the job in 2004.

The point of all of this is to help out these folks in this natural basin, this historical basin, for one of the oldest cities in the United States, to see if this is an adequate drainage system in

the likelihood that such rainfall would occur again. Sometimes when there are floods—and we see this same thing in the mountain areas—after there is a flood, the river beds end up being so filled with rocks and debris that it takes less rain the next time for those rivers or those creeks to leave their banks.

One of the things we really must do, and it makes a great deal of sense to me, is to determine whether this 27-foot culvert that conducts the water from the Shockoe Valley into the James River a few hundred yards to the south actually is sufficiently adequate for that area. It does serve as a stormwater drain. It has worked well since the 1920s. Clearly, attention should be focused on this culvert and the basin drainage system.

The people have amazing spirit. They will keep fighting. But it is important not only to help them—and the Small Business Administration is doing a great job, as is FEMA and all the folks at the local and State level—but beyond making sure they clean up and disinfect and get back on their feet and get their businesses back running, we think it is very important that we direct steps toward preventing any future tragedies or disasters. I'm sure the Corps of Engineers will undoubtedly be involved when FEMA coordinates this effort.

We have introduced this amendment, Senator WARNER and myself, directing FEMA to conduct an investigation in the Shockoe drain field to prevent future damage from flood and natural disasters. This is a very logical, appropriate way to plan for the future and prevent such damage and all the costs of repair.

I thank my colleagues for listening. I thank my colleagues for also passing the supplemental for FEMA earlier this week which will also help the Small Business Administration take care of those not only in Florida but also Virginia and others who have been harmed by these disastrous floods and storms.

I urge my colleagues to support this amendment. The people of Virginia will appreciate it. I know the folks at FEMA will also do the right job in the analysis of the Shockoe Valley.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. COCHRAN. Mr. President, I commend the distinguished Senator for his explanation of his bill and for his initiative in calling attention to the needs of the area of his State in need of special attention from Federal agencies, particularly designing some way to help make sure this kind of disaster does not occur—if it is possible to do that—with engineering changes or other mitigation efforts, particularly in the Richmond area which was so seriously devastated and damaged recently by flooding.

We think the Senator has a good suggestion and we are willing to recommend the Senate adopt this amendment on a voice vote.

The PRESIDING OFFICER. The Senator from Virginia had requested the yeas and nays; does he wish to withdraw that request?

Mr. ALLEN. I am happy for it to be passed on a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. COCHRAN. Mr. President, I have been advised that the other side wants to look at the amendment. I am happy for anyone who wants to look at the amendment to look at it. It was very coherently explained by the Senator from Virginia.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. COCHRAN. Mr. President, I have been advised that the other side wants to look at the amendment. I am happy for anyone who wants to look at the amendment to look at it. It was very coherently explained by the Senator from Virginia.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE TRAGEDY AND ATROCITIES THAT OCCURRED
IN BESLAN, RUSSIA

Mr. TALENT. Mr. President, I believe it is safe to say that later on in the evening the Senate will consider and I am certain approve a resolution of support and solidarity with the Russian people over their recent tragedy and atrocities that have occurred in Beslan. I am privileged to have the opportunity to cosponsor that resolution, and I congratulate the leaders on both sides of the aisle because I believe it will be cleared.

I know it is not the desire of the chairman that we have a lengthy debate on it, and I certainly understand that.

All of our hearts break at what happened, and although we have seen terrorists at low points before, to hold hundreds of children hostage for days, to deprive them of food and water, to terrorize them, to ignore their pleas for mercy, to shoot them in the back when they are trying to escape when it can achieve no possible end, is a level of depravity I do not believe I ever witnessed in my lifetime.

Like all who watched the horrific coverage of the school hostage situation in Russia last week, I was shocked by the images of frightened children and their parents inside the gymnasium of School Number One, surrounded by several hooded hostage-takers and plastic explosives hanging from basketball hoops. On September 1, more than 1,100 parents, students, and

teachers who had gathered for the first day of school were taken hostage by approximately 30 terrorists who had rigged the school with explosives. On September 3, Russian troops and the Beslan hostage-takers exchanged gun fire, a bomb exploded collapsing the roof of the school, the terrorists began killing the hostages, and massive loss of life ensued. This horrendous terrorist action left at least 335 people dead, many of them children, as well as hundreds more severely wounded and over 200 unaccounted for, who are most likely dead.

I join my colleagues, Senators DASCHLE, FRIST and SANTORUM, in condemning this despicable terrorist act and in expressing our condolences to the Russian people and in particular to those families who lost their loved ones in the Beslan school tragedy. We commend the continuing efforts of the U.S. Government in providing humanitarian and medical assistance to the people of the Russian Federation.

The terror last week at the school in Beslan is the same face of evil we saw in the U.S. on September 11. The terrorists held children, parents and teachers hostage for more than 2 days without food, water or medicine. Without conscience or mercy, the terrorists shot children in their backs as they fled for safety. These killers seek to terrorize the entire civilized world. They have no regard for human life, even the lives of children. Today, America stands together with the Russian people more resolved than ever to win the war against terrorism.

I know the Senate will vote unanimously for the resolution. I am confident that because of incidents such as this in Beslan and around the world, Americans and civilized people everywhere will draw increased resolution to lead and win the war against terrorism that has really become a war of civilization against barbarians, like those who committed these atrocities.

I thank the Senate for giving me a moment to give my remarks.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SCHUMER. I ask unanimous consent that the Allen amendment be laid aside temporarily.

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

AMENDMENT NO. 3615

Mr. SCHUMER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from New York [Mr. SCHUMER], for himself, Mrs. CLINTON, and Mr. CORZINE, proposes an amendment numbered 3615.

Mr. SCHUMER. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To appropriate \$100,000,000 to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses)

On page 13, between lines 18 and 19, insert the following:

GROUND TRANSPORTATION

For necessary expenses of the Transportation Security Administration to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses, \$100,000,000.

On page 2, line 17, strike \$245,579,000 and insert "\$175,579,000".

Mr. SCHUMER. Mr. President, this amendment, which I am told, for my colleagues' benefit, will not be voted on tonight but will be voted on at some point late Monday afternoon, is a very important amendment. It deals with truck security.

As we go forward in the war on terrorism, we learn more and more. One of the things we have learned only in the last 6 months is that the preferred method of destruction of al-Qaida is truck bombs. They have used these bombs in the past, but we were given a new sense of urgency about al-Qaida's use of truck bombs from intelligence that has been picked up in the last 6 months and subsequently made public.

Truck bombs, unfortunately, can create tremendous destruction. We saw that in Oklahoma City. At the same time they are very easy to put together. Ammonium nitrate, which can easily be made into an explosive device, is readily available. Then all you need is a truck filled with ammonium nitrate or some other kind of hazardous material and that truck can cause huge amounts of destruction.

In our brave new post-9/11 world, we have to guard against all forms of terrorism. It is not sufficient to say because on 9/11 the terrorists struck through the air that we can ignore other ways they might seek to hurt us. That means we have to tighten security at the ports and on the rails. It also means we have to look at truck security. Unfortunately, probably of all the areas where terrorists might hurt us, we are doing the least in terms of truck security. We pay some lip service to it, but I am not aware of very much the Department of Homeland Security is doing at all in terms of defending us against truck security.

One may ask: What can be done? For one thing, we can put some limitation on how ammonium nitrate, especially in large amounts, is distributed. That is not the purpose of this amendment. I might be introducing further legislation in that regard. But second, we can be much more careful about trucks, particularly trucks that carry hazardous materials.

Let me say that right now we do virtually nothing. Only a few months ago,

a truck with hazardous material was found missing in Pennsauken, NJ, neighboring the State of New York. They still haven't found the truck. Perhaps the truck was lost. Perhaps more likely it was stolen. But God forbid someone who might be part of a terrorist organization took that truck and is lying in wait to do something that would be terrible and despicable.

Of course, we know a truck bomb struck the people in Oklahoma. It was used by McVeigh. This is not something we are unaware of. Truck bombs have been used by al-Qaida in other parts of the world. Again, I underscore the fact that trucks are sort of the preferred method of terrorism for al-Qaida.

We have lots of these trucks available in America. According to the 1997 Census of Interstate Commerce, 740,000 hazardous material shipments travel each day by truck in America. In the United States, 50,000 trips are made each day by gasoline tankers, many of which hold as much fuel as a Boeing 757. They often end with a late-night delivery to a deserted gas station. Experts say that trucks carrying chemicals such as ammonium nitrate, chlorine, or cyanide form even a more deadly risk. Imagine if al-Qaida or another terrorist organization took 10 of these trucks, parked them near a large, tall building in 10 of our largest cities and exploded them all at once, something that would hardly be inconceivable right now. The amount of lives lost might even, God forbid, exceed those lost on 9/11, and fear would descend across this country.

We have to be doing more. In December of 2002, almost 2 years or more than a year and a half ago, I called on Federal officials to rectify this problem. The first thing that I asked be done is that background checks for truck drivers certified to carry hazardous materials be undertaken. The TSA announced it would do so on May 2, 2003, 5 months later. But despite this progress, much more work needs to be done. There are two particular areas that we think greatly need improvement. Those are the things we are asking for tonight.

The first is tracking technology for trucks. It is very easy. You can buy a car and pay a couple hundred bucks more and have a GPS system which tells exactly where the vehicle is. Wouldn't it make sense that every truck carrying hazardous material was required to have such a GPS system? That would mean if the truck were stolen, if the truck were taken to a far different location than where it should be and the company wished to find out where it was, we could find it in a minute.

Ironically, a country far less developed than ours requires this for all its trucks—Brazil. There is a GPS system on every one of its trucks. In fact, the companies that do it there do it not to combat terrorism but, rather, to deal with theft. They actually make money.

The point is this is feasible. It works. It is simple. It is hardly pie in the sky. It probably costs about \$200 to install in each truck. I would be happy, if once TSA started implementing this for individual truck drivers who might feel that \$200 is too much, even though a rig costs much more than 100 times that, to have the Federal Government pay, although we don't provide that in our legislation. We do require that any truck carrying hazardous material have a GPS system installed. There are many companies that want to put this in place but are waiting until Government rules are in place. Thus far there are no Government rules.

Second, there ought to be a HAZMAT database. Just as we plot the path of thousands of planes in general aviation and commercial aviation and where they go and we know that if they are off course, something is awry and our air traffic control system deals with that, we should do the same for hazardous materials.

The bottom line is, any truck with a hazardous material would simply file a little plan as to where it was going and what deliveries it was making. And then again, if the truck was stolen or went off course, we would know. In Brazil they have a system when the truck goes too far off course, the truck stalls and can't be driven.

We could actually do that here and the money that we are providing would be within the ambit of the Homeland Security Department to do just that. But with this database, if a truck carrying hazardous material would be off course, we would know, and there would be a much greater chance that some kind of action could be taken before the truck was used for terrorism.

As for the background checks of those certified to carry hazardous materials, again, I have been pushing the TSA to do this. They have said they are going to do it. They have delayed it several times, and they have not completed doing it yet. But we urge them to do that as well.

The hour is late. I don't want to hold up you or the President of the Senate or other colleagues. People will have the weekend to read this legislation. Again, it is a rather small amount of money, \$100 million. We do offset it. We take money from the human resources account—the same \$100 million—so this doesn't increase costs. The bottom line is very simple: On truck security, a lot more must be done.

The amendment I have will help move us in that direction. This is a danger that we face in this country, which we have done virtually nothing about, and we could be moving, for a rather small amount of money, toward making ourselves far more secure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. We appreciate the Senator from New York bringing this to the attention of the Senate. We know there is a tracking system in ef-

fect—but we are not sure it is as inclusive as he suggests we need it to be—for trucks that carry hazardous material. They try to keep up with that. They have a system in place. We are glad to have the chance to review this suggestion, and we will do that and hope the Senate will withhold action on this amendment tonight, and we can call it up tomorrow, or later, whatever the leaders end up deciding we will do in terms of further action on this bill.

We are at a point where I think we are close to winding up the action on this bill today. We have had a full day of activity. A number of amendments have been presented and voted on. We appreciate the cooperation of all Senators in letting us know the identity of the amendments that were to be offered. We are going to continue to work hard to get this bill finished by sometime on Tuesday of next week. That is our goal, and I think we will be able to achieve that goal.

One item we hope to be able to clear has been presented to the Senate by the Senator from Virginia, Mr. ALLEN, related to a survey in the State of Virginia on a mitigation issue surrounding flooding in the Richmond area. It is my hope that we will be able to get that passed, if we can, by a voice vote tonight, and then maybe go out if there is no further business.

I yield to my friend from Nevada.

AMENDMENT NO. 3610

Mr. REID. Mr. President, it is my understanding that the leadership wants the Schumer amendment to be one of the votes we are going to have Monday evening. Also, it is my understanding, having spoken to the manager of the bill and his staff, that the Federal Emergency Management Agency and the Office of Management and Budget have reviewed amendment No. 3610, offered by the Senator from Virginia, and they have both said that the Federal Emergency Management Agency would be in a position to conduct an investigation of this creek drainfield in Richmond, VA; and this has been signed off on by FEMA, as I have indicated, and also by the OMB.

That being the case, even though on our side maybe there are people who think this is not something that is normally done, if FEMA and OMB signed off on it, which they have, we would be wasting the Senate's time by having a vote on it. That having been said, I say there is no further debate on this side.

Mr. COCHRAN. Mr. President, I ask that we agree to the Allen amendment on a voice vote.

The PRESIDING OFFICER. Without objection, the amendment will be made pending.

Without objection, the amendment is agreed to.

The amendment (No. 3610) was agreed to.

Mr. ALLEN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

Mr. COCHRAN. I am happy to do that.

Mr. SCHUMER. Can we agree that my amendment will be voted on on Monday afternoon when we resume voting?

Mr. COCHRAN. I think that is the understanding.

Mr. REID. Through the Chair to the Senator from New York, as I indicated, members of the leadership are lining up votes for Monday and, in all likelihood, the Senator's would be the first vote. We don't have a unanimous consent agreement to that effect but—

Mr. COCHRAN. That is consistent with my understanding of the schedule as well.

Mr. SCHUMER. Thank you.

Mr. REID. Mr. President, we have done about all we can do tonight. That is my understanding. I say to the manager of the bill that tomorrow, it is my understanding, there is an amendment to be offered by the majority. I cannot remember by what Senator, but someone told me about it.

Mr. COCHRAN. Mr. President, the distinguished majority leader, Senator FRIST, intends to offer an amendment tomorrow morning. So we will have that before the Senate.

Mr. REID. On this side, Senator CORZINE is willing to offer an amendment, Senator LAUTENBERG is willing to offer one, and maybe the distinguished Democratic leader will be ready to offer one. Whenever we come in, there will be opportunities to offer these amendments. It is my understanding that the Senate is not going to stay until a late hour. If those amendments are offered, we will have plenty to do Monday night, unless there is some agreement on amendments.

Mr. COCHRAN. Mr. President, I think this is a good plan. The Senate has done good work today. I think the outline the Senator from Nevada has given us is a thoughtful way to handle the bill. We will be here tomorrow morning and continue to make progress on the bill. We will be ready to cooperate with all Senators to the fullest extent possible.

Mr. SCHUMER. Will the minority whip yield for a question?

Mr. REID. Yes, I am happy to yield.

Mr. SCHUMER. I didn't hear exactly what has been said about the plan. There was another amendment Senator CLINTON and I were going to offer. I was going to cover it this evening, but she could not be here because of the illness of her husband.

Mr. REID. I say to the Senator, there will be an opportunity to offer other amendments next week. He is on the list.

Mr. SCHUMER. Thank you, Mr. President.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there now be a period for morning business for debate only, with Senators speaking for up to 10 minutes each.

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

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

GARRETT LEE SMITH MEMORIAL ACT

Mr. SMITH. Mr. President, I ask unanimous consent that the Chair now lay before the Senate the House measure to accompany S. 2634, the Garrett Lee Smith Memorial Act.

There being no objection, the Presiding Officer (Mr. CHAMBLISS) laid before the Senate the following message from the House of Representatives:

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I ask whether there be objection to proceeding to the measure at this time.

The PRESIDING OFFICER. The message is before the Senate.

Mr. SMITH. I ask, then, unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

Mr. SMITH. Mr. President, this is a much happier day for me than it was 1 year ago. A year ago yesterday, my son, Garrett Lee Smith, took his life. Today it is his birthday, and today my heart is not filled with sadness but with joy because the Congress of the United States has acted with near unanimity, an overwhelming vote in the House of Representatives, Republicans and Democrats alike, and for a second time now the Senate, without objection, 100 strong, Republican and Democrat alike, has acted not as partisans but as Americans on an issue that afflicts families all over our land, the issue of mental health, of depression among our youth that often, too often, even at epidemic levels, can lead to suicide.

This has been for me a very long and difficult year. I am grateful for the support of family and friends and, especially here now, my colleagues. I had many thoughts in mind when this occurred because I was raised to believe that no success can compensate for failure in one's home. And when my son took his life, I felt the ultimate failure. Yet I have come to learn from colleagues, some of them, like the leader, medical experts, others like MIKE DEWINE, who has suffered much in his family through the loss of a daughter; PETE DOMENICI, who has helped me to understand the lethal nature of mental illnesses, and so many more.

I have been buoyed up and strengthened sufficient to carry on my public responsibility and try to find from the loss of my son some new meaning in his life. Today the Congress has acted on his birthday. My wife Sharon and I are profoundly thankful to all of you. What we have done today is to pass a bill that will enable the States, encourage the States, incentivize the States to have youth suicide prevention programs to, with parental permission, give testing to identify, under the strictest of privacy, those children who may have a predisposition toward depression and suicide.

We have given the incentive to the States to set up college backstops, counseling, intervention measures, to help where this epidemic is most acutely felt, and that is on American college campuses. We are setting up a national repository of information through SAMSHA, where the best ideas from the 50 laboratories that are the 50 United States can be brought together and shared so intervention can be more effectively made to save more of America's sons and daughters.

When this bill left the Senate, I thought it was in perfect form. But I learned something about a bicameral legislature in working with my colleagues in the House. They made it better. They had many good suggestions. And I feel it appropriate to say that while some I am entirely in agreement with and others I would have preferred not be there, I support the bill as it has come from the House of Representatives.

I owe a great deal of thanks to some specific individuals. If you will bear with me, Mr. President, I would like to thank some of them and also note for those colleagues who may be concerned about parental notification precedence that the House was willing to put in there provisions that this tougher parental notification is applicable just to this bill and in no way affects No Child Left Behind legislation.

I need to say thank you to some very significant people without whom this bill would not have passed. First, I want to thank Chairman JOE BARTON, the Congressman from Texas, who chairs the House Commerce Committee. I say to all the world, and particularly his constituents, he is a man of his word. He had tremendous pres-

sure on him not to proceed with this, but he gave me his word. He is good for it. He worked with me. He demanded much of me. We gave much. But under considerable pressure he stood up against it and made this to pass.

To Speaker HASTERT and Leader DELAY, thank you for your permission, thank you for making this happen, allowing it to happen, and also being good to the commitments that were made to me and other colleagues and to the White House.

I thank my House sponsors, Congressman BART GORDON of Tennessee, Coach TOM OSBORNE of Nebraska. Coach OSBORNE knows something of young people and their struggles. He was wonderful to work with. DANNY DAVIS, of Illinois, spoke eloquently about this bill on the Senate floor last evening. My own Congressman, GREG WALDEN, who helped to shuttle this through the House, I am profoundly thankful to him. I also note EARL BLUMENAUER and PATRICK KENNEDY of Rhode Island were particularly helpful to me in passing this legislation. I am grateful to them.

Senator SANTORUM—they call him a Pope over there—is regarded in very exalted terms and a term of affection. He was unusually helpful in helping me to make my way through the House membership and to get this passed.

Leader FRIST, this would not happen without you. At every turn you have been there for me and helped me to get through this year. JUDD GREGG, the chairman of our committee, with jurisdiction, was wonderful to make this possible and happen in the Senate. MITCH MCCONNELL, your staff, Leader FRIST's staff, were very helpful. They went the extra mile back and forth from the House to Senate Chambers time and again for me. I thank the staffs of all of these people who worked so hard.

Senator DODD and Senator KENNEDY have been unusual champions of this issue, and issues of mental health. They have been wonderful guides. Senator JACK REED of Rhode Island helped to author a major provision.

HARRY REID, the Democratic whip, has been a stalwart and counseled me to take this and do that. I say to him, thank you, sir, for your help and your understanding of the issue of suicide.

I thank Leader DASCHLE as well because without his understanding that this was not partisan this would not have happened. I am grateful to Leader DASCHLE.

I mentioned MIKE DEWINE. MIKE is behind me and will speak to this issue. If you could package goodness in human form, it would look like MIKE DEWINE.

I think most significantly for me has been the woman who sits to my right, Catherine Finley, who is a person of talent, tenacity, and temperament sufficient to take a stand-alone bill, in a very short period of time, pass it through the Senate, the House, and back through the Senate again. I am

eternally in her debt. And my wife joins me in those sentiments.

Finally, I thank George W. Bush, the President of the United States, and his staff at the White House, who have been with me from the beginning and who have urged me on time and again to get this done and to get it to him. He has understood that this issue is part and parcel about being compassionate and being conservative. I thank the President of the United States.

In closing, Mr. President, I would like to read a letter that I think says more eloquently than I can why this legislation is so necessary and why it has the prospect of doing so much good. I received this letter from a student at George Washington University in Washington, DC. She urged passage of this bill. Her name is Miss Meredith Jessup of Sturgis, MI. She wrote this:

This past year I arrived in Washington, DC with a new educational landscape set before me, convinced that I was equipped with the essential skills I would need to survive college. But I was in no way prepared when my close friend and neighbor committed suicide by jumping to his death from his dorm window.

The story that unfolded was his personal narrative of his fight with depression and his constant feelings of worthlessness. He openly wrote about how he had planned his own suicide and about the frightened ideas of acting out his plans. This young, brilliant person, never seen without a smile on his face, had been secretly battling severe depression for a year. None of his friends had had a clue and he had never shared this with his family.

He was depressed and confused and I was scared and utterly unprepared to know how to keep my friend alive. I was never sure why he had chosen to confide in me, but he made me promise to keep his confidence. In the following days I convinced him to accompany me to the university counseling service.

Two weeks later I received another desperate call from him, he was contemplating death at the dorm. I convinced him to begin walking to meet me and we went to the hospital emergency room. As I sat in the hospital waiting room, tears streaming down my face, I prayed that the hospital would admit my shattered friend for emergency counseling and intervention. I was not a professional; friendship was the only tool I could use to try to help him and as I sat at his bedside I grabbed his hand and told him how I was proud of his courage.

On Sunday, April 18, 2004, a week after his discharge from the hospital, he called my cell phone once again. This time his voice was barely recognizable, laden with sadness. He called from his dorm room, four doors down from mine. "I don't want anyone to worry about me," he said. "When you wake up tomorrow, I want you to forget about anything that happened today." As he kept repeating these lines over and over again, it hit me like a load of bricks. He was going to commit suicide. "Good-bye . . ." rang in my ears as he hung up his phone.

I repeatedly tried to call his phone and pounded on his door. Then the sound of emergency sirens flooded in from open windows, and a harsh reality set in. He had jumped from the balcony of his fourth floor window. My friend was dead at 19 and I hadn't been able to save him.

Perhaps his condition was beyond anyone's help—friend, family or trained professional. Perhaps there was more that could have been done. In his case, however, we will never

know. The only thing for us to do after a tragedy like this is to work to ensure others who are struggling do not face the seemingly hopeless situation he had found.

On this, the three-month anniversary of my friend's death, I am writing to thank you for championing the issue of youth suicide prevention. I am writing to thank you for your courageous efforts to help people struggling like my friend. I applaud the courage it took for you to stand before your Senate colleagues and reopen the emotional wounds that are just below the surface from the suicide of your own son.

These wounds are all too familiar to me in the death of my friend. He was one of five students of The George Washington University to die this last school year in suicides or preventable acts. Perhaps the Garrett Lee Smith Memorial Act is a way that I can help others who are struggling on my campus. This piece of legislation and the opportunities it presents provide a way to create something good out of so many tragedies. What I could not do for my friend perhaps can be accomplished in an educational outreach and counseling protocol program I plan to propose for GW, seeking funding through your legislation.

I would like to personally thank you and other members of the United States Senate for taking up this initiative to help prevent suicide among America's youth. I would also like to encourage members of the House of Representatives to pass the Garrett Lee Smith Memorial Act. By instituting the grant program for America's universities, I hope to be a part of alleviating the nation's third leading cause of death among young people. It's the least I can do to honor the memory of my friend. Our country cannot afford to lose to depression the character and the substantial talents of young people like him.

With that, I thank my colleagues for supporting this historic act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, let me congratulate but mostly thank my friend and colleague from Oregon. We would not be here tonight without him. It is true many people worked on this bill, but he is the one who got us here. No one but my friend knows how many people he talked to and what he had to go through to get us to this point. I think everyone on this floor knows it could not have been done without our colleague. He did it. He did something that no one else could have done.

Our friend, my friend, suffered the worst tragedy—he and his wife Sharon—that any couple, any family can suffer; that is, to lose a child. They took that tragedy and resolved that they would do something so other families would not suffer as they have suffered.

I say to my friend that neither he nor anyone else in this Chamber will ever know what families will be spared because of the action taken by the House and Senate and because of his hard work.

But the one thing we do know is, there will be many families who will be spared what he and Sharon fought through. For that, we all should say thank you. There will be many children out there who will not lose their lives, many families who will not suffer.

This bill is a wonderful, living tribute to their son Garrett Smith. If we do our job, not only this year, not only this moment, but in the years ahead in properly funding this, it will remain year after year after year a wonderful living tribute to him. It will remain also a living tribute to all the young children who have lost their lives over the years.

I thank my colleague. On behalf of all the people and families who will be spared and all the children whose lives will be saved—and we will never know who they are—he has done something that is very wonderful. He has taken his sorrow and grief, taken the position God has given him and the people of his State have given him and has made something wonderful out of it. It is, in fact, a wonderful tribute to his son, a tribute to the love he has for his son.

I yield the floor.

Mr. KENNEDY. Mr. President, I am proud to join my colleagues Senators GORDON SMITH, CHRIS DODD, MIKE DEWINE and JACK REED in support of the Garrett Lee Smith Memorial Act. I thank them all for their tireless efforts to see this legislation enacted.

I especially thank Senator SMITH for his courage in helping us understand this rising problem that for so long has been misunderstood. The legislation we are passing today is an important first step we must take—we know we must take—to help our troubled young people contemplating suicide.

Youth suicide affects us all. And while we also understand that no words can heal the deep pain or replace the great loss of an anguished child we love, we know we can do better. We can work to prevent the kind of debilitating despair that leads young person to end their lives and to let them know that there are other options. There are people out there who care. You are not alone.

Make no mistake, we are truly in the middle of an epidemic of teen suicide. Suicide is now the third leading cause of death among adolescents. And while the years of lost potential and productive living are never really captured in the statistics, we know the death of a young person has a devastating and long-lasting effect on family, friends, and the whole community.

To the youth of America this bill has a simple message—help is on the way. We have heard your pleas for help and we are acting. And it is particularly important at a time when cash-strapped States are cutting funds for many vital services.

This legislation will give grants to States to develop youth suicide prevention programs in settings ranging from schools to foster care homes to juvenile justice settings, to substance abuse and mental health treatment and prevention centers. It gives States the flexibility to target resources and set goals. It gives priority to funding entities with experience delivering these kinds of services and ensures that 85 percent of every dollar spent goes toward direct

prevention efforts—toward saving lives.

It is appropriate that we are passing this legislation just as millions of our young people are headed off to college for another semester. We know that college is a place where young people can expand their horizons and learn so much about themselves and the world around them. It is a time of great opportunity, but also a time of great challenge for many young people. Away from home for the first time, with new and enormous pressures to succeed, many struggle with feelings of depression, which in the most extreme cases lead to thoughts of suicide.

Thanks to the efforts of Senator DODD, this legislation will increase the presence of counseling programs on college campuses across the country. It will allow colleges to conduct education seminars, operate life-saving hotlines, train other students to recognize and counsel their struggling peers, and link colleges and universities that do not have mental health services with health care providers that can help.

The program authorized under this bill recognizes that colleges and universities have a role to play in funding prevention efforts, and so does the Federal Government. For every dollar a school contributes to the health and well-being of their students, we contribute the same. It is the right thing to do, and it will save lives at campuses across the country.

This legislation will also create a new national center to monitor, coordinate and assist our national suicide prevention efforts. This national coordinating mechanism is long overdue and it will make a world of difference.

This bill will not solve the issue of youth suicide, but it represents real progress. We still have so much more to do to see that no child falls through the cracks, and that mental illnesses receive the same insurance coverage and quality of care as physical illnesses.

But today we move forward with the Garrett Lee Smith Act, knowing that we will have made a brighter tomorrow for many of our young people.

Mrs. DODD. Mr. President, I believe that the legislation before us tonight—the Garrett Lee Smith Memorial Act—represents a positive step towards finding concrete, comprehensive and effective remedies to the epidemic of suicide in our Nation's young people. I intend to support this legislation, and I would like to thank my friend and colleague, GORDON SMITH, for all his tireless work and commitment in seeing this legislation through.

By authorizing \$82 million over 3 years, this bill seeks further to support the good work being done on the community level, the State level, and the Federal level with regards to youth suicide early intervention and prevention in four principal ways.

First, it establishes a new grant initiative for the further development and

expansion of youth suicide early intervention and prevention strategies and the community-based services they seek to coordinate in schools, mental health programs, substance abuse programs, foster care systems, juvenile justice systems, and other youth support organizations.

Second, it authorizes a dedicated technical assistance center to assist States, localities, tribes, and community service providers with the planning, implementation, and evaluation of these strategies and services.

Third, it establishes a new grant initiative to enhance and improve early intervention and prevention services specifically designed for college-aged students.

And fourth, it creates a new inter-agency collaboration to focus on policy development and the dissemination of data specifically pertaining to youth suicide.

In July, the Senate took up this important bill and showed its commitment to reduce the public and mental health tragedy of youth suicide by passing it unanimously. I hoped at that time that the House would see this strong example of bipartisanship and follow suit.

Regrettably, the House sent back the legislation containing a controversial provision authored by a small group of House Members with rather extreme views that has the potential actually to harm, rather than help, suicide prevention and suicide awareness efforts.

Simply put, this provision sets a new precedent by erecting and mandating broad and ambiguous parental consent measures across all "school-based programs" and non-medical services in our nation's schools—the very places where most children who are prone to suicidal tendencies first seek help. These measures are stigmatizing, untried, unproven, and arguably most importantly—undefined.

I am afraid that because of the ambiguity of this provision, we cannot know what "prior written, informed consent" really means, what "school-based programs" will require this consent, or what emotional state a child must be in to be considered for "emergency" care.

I am also afraid that because of this provision, we may not be able to guarantee that the services this bill funds will be made available to all children who need them. We may not be able to guarantee that a child who is being abused by parents or guardians—an unfortunate occurrence that's unacceptably common in our country—will be able to obtain the appropriate mental health services he or she might desperately need without the consent of that very same parent or guardian.

Nevertheless, the strengths of this bill outweigh its weaknesses. The Garrett Lee Smith Memorial Act is an important first step towards recognizing the causes of this public and mental health tragedy and supporting innovative and effective public and mental

health initiatives that reach every child and young adult in this country—compassionate initiatives that given them encouragement, hope, and above all, life.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in this body, occasionally we have such moments we share as colleagues, and they are probably more rare than any of us would like. The rarity is really centering around what we have heard, and that is a juxtaposition, a coming together of probably the deepest pain and sorrow and sadness with a real celebration, manifested in part by the birthday of Garrett Lee Smith, but also the celebration and accomplishment that can only be accomplished on the floor of the Senate, working with the House, working with the President of the United States, where a piece of legislation is passed and you know it is going to affect scores of lives, hundreds of lives, and directly and indirectly thousands of lives of people we will never see, faces we will never see, but who will be touched in a way that is most powerful, and that is allowing them to lead fulfilling lives and not be captured by tragedy which, without this legislation, unfortunately today, where we are, would occur.

It is that oneness of humanity, of the ups and the downs, but the goodness that comes out of it that this bill represents. The comments by both Senator SMITH and Senator DEWINE reflect it so well.

Senator SMITH thanked so many of the people. I think it is very useful to do because it allows them to be thanked, but more importantly for others to see how hard it is, even with legislation that we know will save lives and do good, to pass legislation in this body and in the House. It takes a lot of people working together, unselfishly, to produce a beautiful product such as has been passed minutes ago.

The act itself reaches out to a population we know is going through the most dynamic changes at any stage in life, as the population travels through adolescence, meeting changes and challenges, leaving certain securities and insecurities of their past and being struck day in and day out. And up until passage of this bill, there was simply not help there, or it was not there when somebody reached out. The wonderful thing this bill does, through referral networks, through programs to raise awareness of teen suicide and youth suicide, until we have a program that trains faculty and others to respond when a student does reach out, things will simply not change. That is what this bill does.

I want to in particular say thank you to our colleague Senator GORDON SMITH. This is painful. This is a real triumph, which is the celebratory part, but it is a difficult moment for him, for Sharon, for his family. As he mentioned, it has been a year and a day ago since the death of his son Garrett. But

since that time, working through the grief and the sorrow and the sadness and the loss that can't even be described in words, he and Sharon have consistently and eloquently and passionately spoken about not their own needs but the needs for others, others who they don't know but who they know exist, both today and tomorrow, those who suffer in some shape or form from some type of mental illness. No one can bring back a life that has been lost, but as those of us who have worked with our colleague Senator SMITH and who have watched and who have observed, he has helped teach us that through this process lives can be saved.

It touches home to many of us. This particular bill addresses this sort of youth suicide, teen suicide. And those of us who have kids that age—my three boys are 18, 19, and 21 years of age—as Senator SMITH mentioned, in that age group, suicide is the third leading cause of death. Thirty thousand people die each year as a result of suicide. That is one person every 17 minutes. Suicide has touched Senator SMITH and his family personally, other Members of this body. You don't realize how many people it touches, as we have discussed before, until something tragic like this happens. But it touches people throughout this body, indeed throughout the country.

This legislation helps turn those tragedies into direct assistance to the benefit of others. This bill addresses suicide when it occurs at the most tragic time of one's life. That is in those years where one is leaving, going through the teen years and adolescence and moving on to those years of the prime of their life. We know, though, that with help and response, prevention occurs and lives are saved. There are early detection, early prevention strategies, all of which this bill allows for the first time in legislation to come alive. That is what the legislation is all about. It is about helping those who are at risk, who may or may not show symptoms or signs, but it helps bring those to the surface with an appropriate response that will change the course that has been so tragic in so many people's lives.

In closing, the Garrett Lee Smith Memorial Act is a fitting tribute to Garrett Smith and the love his family has for him. Senator SMITH has fought for its passage not only as a Senator but as a caring father. It has passed this body unanimously, exactly as it should have.

I yield the floor, celebrating and in closing saying, happy birthday, Garrett Lee Smith.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I say to my friend and colleague from Oregon, congratulations on turning a tragedy into a triumph. Garrett would have been indeed proud of his father.

I yield the floor.

Mr. REID. Mr. President, this is a kind of celebration. I congratulate

Senator SMITH for his devotion to a cause. I also want Senator SMITH to know how much Landra and I—and I say this without reservation—benefited from the funeral of their son. It is something Landra and I talked about because GORDON and Sharon, from the very beginning, didn't hide the fact their son had taken his own life. I have been to funerals where there have been suicides involved and that is something you don't talk about. They did it openly. Every speaker there talked about Garrett, what a fine young man he was, and what a shame it was he took his own life. Our going to that funeral has benefited us in so many different ways, because we grew spiritually as a result of going to that funeral. There is nothing else we could have done that day that was more important.

Let me say to my friend GORDON SMITH, this is a time for celebration. But I say that we have to continue to work on this issue. This is an authorization bill. We need the appropriators to feel as we do and put money into this project. As good as this is—and we could never appropriate money unless we authorize it—this will be relatively meaningless unless we can get the appropriators to put money into this program, so there can be grants and monies to work for this dread disease.

So, Mr. President, I ask that the Senate here assembled have a moment of silence, not only for Garrett Smith, which is the purpose of our being here tonight, but for the 31,000 people who during the last 12 months in America have taken their own lives. Garrett is the person who is a focal point of this calamity that is facing our country today. But because of the work of GORDON SMITH, we are going to be able to move beyond this. Hopefully, in the years to come, this will be a number that won't be increasing but decreasing.

I ask unanimous consent that the Senate take a moment of silence at this time on behalf of Garrett Smith and the thousands of people who have died as a result of the taking of their own lives.

The PRESIDING OFFICER. The Senate will observe a moment of silence.

[Moment of silence.]

Mr. REID. Thank you, Mr. President. I yield the floor.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF NEVADA "TOP COPS"

Mr. REID. Mr. President, I rise today to express my congratulations to Officers Gary Casper, Clint Malburg, and

Jim Mitchell and Sergeant Rick Servoss on their selection for the National Association of Police Organizations' Top Cops Awards.

The State of Nevada owes a great debt of gratitude to these brave police officers, and to all other law enforcement officers who keep our communities safe.

On August 19, 2003, a sudden storm caused dangerous flash flooding in the Las Vegas Valley. Sergeant Servoss and Officers Casper, Malburg and Mitchell, all members of the Las Vegas Metropolitan Police Department Search and Rescue team, were deployed to help residents escape the flood waters.

Seven people were trapped in life-threatening situations, stranded on top of their vehicles. Battling 60 mph winds and power lines, Sergeant Servoss and Officer Casper maneuvered the team's helicopter only feet above the roaring water. Suspended by a cable and winch operated by Officer Mitchell, Officer Malburg retrieved the trapped individuals. The team even saved four Las Vegas firefighters when rushing waters overtook their fire engine.

I recently had the opportunity to meet with Officers Casper and Mitchell. That meeting reminded me how important it is to express our appreciation to police officers and other first responders. These people put their lives on the line every day to protect our homes and communities. They will tell you that they are just doing their—jobs but we must never forget that they are heroes.

When I attended law school, I worked as a U.S. Capitol Police officer to support my family. Today I still feel a bond with those who protect our communities. I am so grateful for the dedication and heroism of these brave men. Please join me in thanking them for their courageous efforts.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On March 19, 1999 in San Francisco, CA, three men were charged with suspicion of aggravated assault after they allegedly yelled anti-gay epithets and assaulted a man.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

WAR ON PROLIFERATION

Mr. KYL. Mr. President, I ask unanimous consent that the column "An All-Out War on Proliferation" by Undersecretary of State John Bolton, which appeared in Tuesday's Financial Times of London, be printed in the RECORD. This piece clearly articulates the Bush administration's aggressive approach to stopping the proliferation of weapons of mass destruction. The success of U.S.-led nonproliferation and counterproliferation efforts over the last 4 years shows strong U.S. leadership on a global scale. It is also an illustration of just what we are able to accomplish through U.S.-led multilateral, concrete action, rather than through inefficient bureaucracies and toothless treaties.

I congratulate Undersecretary Bolton for his outstanding piece, and I strongly recommend it to my colleagues.

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

[From the Financial Times, Sept. 7, 2004]

AN ALL-OUT WAR ON PROLIFERATION
(By John Bolton)

Some supporters of "multi-lateralism" prefer to talk about its glories in the abstract rather than take action in the here and now. The Bush administration's non-proliferation policies fall into the latter category. Rather than rely on cumbersome treaty-based bureaucracies, this administration has launched initiatives that involve co-operative action with other sovereign states to deny rogue nations and terrorists access to the materials and knowhow needed to develop weapons of mass destruction (WMD). Our policies show that robust use of the sovereign authorities we and our allies possess can produce real results.

The Bush administration is reinventing the non-proliferation regime it inherited, crafting policies to fill gaping holes, reinforcing earlier patchwork fixes, assembling allies, creating precedents and changing perceived realities and stilted legal thinking. The frontlines in our non-proliferation strategy must extend beyond the well-known rogue states to the trade routes and entities engaged in supplying proliferant countries. This can properly be described not as "non-proliferation", but as "counter-proliferation". To accomplish this, we are making more robust use of existing authorities, including sanctions, interdiction and credible export controls. Most importantly, we have taken significant steps to improve co-ordination between sovereign states to act against proliferators.

As we learned from the unravelling of the clandestine nuclear weapons network run by A.Q. Khan and from the Libyan WMD programme, proliferators employ increasingly sophisticated and aggressive measures to obtain WMD or missile-related materials. They rely heavily on front companies and illicit brokers in their quest for arms, equipment, sensitive technology and dual-use goods.

In his September 2003 speech to the United Nations General Assembly, George W. Bush proposed that the Security Council pass a resolution calling on member states to criminalise WMD proliferation, enact export controls and secure sensitive materials within their borders. The resulting Security Council Resolution 1540, unanimously adopted, achieved the president's goals. Rather than requiring years negotiating treaties and creating elaborate institutions, Resolu-

tion 1540 rests on the notion that sovereign states are responsible for writing and implementing laws closing the loopholes exploited by black market WMD networks.

Among the most prominent of this administration's counter-proliferation innovations is the Proliferation Security Initiative (PSI). We say that PSI is "an activity, not an organization," in this case an activity designed to halt trafficking in WMD, their delivery systems and related materials. In developing PSI, our main goal has been a simple one: to enable practical cooperation among states to help navigate this increasingly challenging arena. The initiative focuses on enhancing states' operational capabilities in the intelligence, military and law enforcement arenas. More than 60 countries gathered in Poland just over a month ago to mark PSI's one-year anniversary—and some notable successes. The interception, in cooperation with the UK, Germany and Italy, of the BBC China, a vessel loaded with nuclear-related components, helped convince Libya that the days of undisturbed accumulation of WMD were over, and helped unravel A.Q. Khan's network.

Another important administration initiative is the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, launched by the Group of Eight at its June 2002 summit. Here again, this effort relies on the commitments of sovereign states acting separately and in concert to secure sensitive materials. Like PSI, the Global Partnership is an activity, not an organisation. The G8 Leaders and 13 additional partners have pledged to raise up to Dollars 20bn (Pounds 11.3bn) over 10 years for projects to prevent dangerous weapons and materials from falling into the wrong hands.

The US already has non-proliferation projects under way not only in Russia but in Ukraine, Kazakhstan, Uzbekistan, Georgia and other former Soviet states, as do other Global Partnership countries. We recently began assistance in Iraq and Libya and are encouraging our partners to undertake their own projects in such states. At Sea Island this year, the G8 agreed to use the Global Partnership to coordinate activities in these areas.

This administration is working to make up for decades of stillborn plans, wishful thinking and irresponsible passivity. We're already late, but we are no longer bystanders wringing our hands and hoping that somehow we will find shelter from gathering threats. We are no longer lost in endless international negotiations whose point seems to be negotiation rather than decision, and no longer waiting beneath the empty protection of a reluctant international body while seeking grudging permission to take measures to protect ourselves.

Mr. Bush has begun laying the foundation for a comprehensive, root-and-branch approach to the mortal danger of the proliferation of instruments intended for our destruction. We are determined to use every resource at our disposal—using diplomacy regularly, economic pressure when it makes a difference, active law enforcement when appropriate and military force when we must.

We are just at the beginning, but it is an extraordinary beginning. Not only are we meeting this ultimate of threats on the field, we are advancing on it, battling not only aggressively, but successfully. And so we must, for the outcome of this battle may hold nothing less than the chance to survive.

BACK TO SCHOOL AND THE NO
CHILD LEFT BEHIND ACT

Mr. FEINGOLD. Mr. President, as the Senate returns from its August recess

this week, students, teachers, and school personnel across Wisconsin and around the country are settling in for a new school year.

Each new school year brings with it the promise of things to come. Students will embark on new educational paths, with new subjects and teachers and, in some instances, new classmates. Some students are entering school for the first time, while others are beginning their middle or high school careers. And some are embarking on their senior years in high school and are preparing to make the transition into the next phase of their lives. All of these students, and their parents, are facing new challenges and new opportunities. We owe it to them to provide the resources promised by the Federal Government to support our States and local school districts.

Throughout our Nation's history, the education of our children has been viewed as a largely local and State responsibility, and the Federal Government has wisely left decisions affecting our children's day-to-day classroom experiences up to the schools, districts, school boards, and State education agencies that bear the responsibility for—and most of the cost of—educating our children. Historically, when the Federal Government has stepped in, it has been to ensure that children receive an equal opportunity for a good education by protecting the rights of all children and by providing additional resources for schools and for such related activities as teacher training.

Impact Aid, which was enacted in 1950 and is one of the oldest Federal education programs, helps local school districts to defray the costs of educating "federally connected" students, such as those who live on Federal land, which is not included in the local property tax base that funds elementary and secondary education. The National Defense Education Act of 1958, which was enacted in response to the Soviet launch of the Sputnik satellite, provided funding to improve math, science, and foreign language instruction in our elementary and secondary schools.

The landmark Elementary and Secondary Education Act of 1965, of which the No Child Left Behind Act is the most recent reauthorization, provided funding to support the education of disadvantaged students. That same year, Congress enacted the Higher Education Act, which has helped to provide millions of Americans with the assistance they need to pursue post-secondary education.

Also in 1965, the Office of Economic Opportunity created "Project Head Start," the predecessor of the current Head Start program, which is administered by the Department of Health and Human Services. Since its inception, Head Start has improved opportunities for low-income preschool children and their families by providing a comprehensive approach to addressing the

educational, nutritional, psychological, and other needs of these children and their families.

The Individuals with Disabilities Education Act of 1975 mandates that a free appropriate public education be provided to all children and promises that the Federal Government will pay 40 percent of the cost of educating children with special needs. Our public schools' efforts to serve students with disabilities are a hallmark of our national commitment to a free public education for all children. Since IDEA was enacted, public schools have helped students with disabilities to become more self-sufficient, to prepare for employment, and to learn the skills they will need to lead productive lives. America's public schools have led the way toward the full integration of individuals with disabilities into our national life.

The Federal Government has a long history of supporting local and State governments in their effort to provide a high quality public education for each child. I support these efforts, which rightly respect the importance of maintaining local control of education. For that reason, I opposed the No Child Left Behind Act, NCLB, which the President touts as one of his top domestic achievements.

While I think we all agree that schools should be held accountable for results, I and many Wisconsinites oppose the testing-centered mandates in the NCLB. I support some aspects of this law, such as funding for reading education and after-school programs. I opposed this legislation, however, because it takes decisions regarding the frequency of testing out of the hands of local school districts and states and mandates that students be tested in reading and math in grades 3-8 beginning with the 2005-2006 school year. This top-down, one-size-fits-all approach to testing is not good for Wisconsin students or schools. Washington does not know best when it comes to making decisions such as this. And it is troubling that the results of these tests are central to determining whether a school, district, or State is considered to be "in need of improvement" or "failing" academically.

It is also troubling that the corresponding Federal sanctions for schools deemed to be "in need of improvement" or "failing" will actually take badly needed money from those very schools. And these sanctions are being imposed despite the fact that the Federal Government has not provided the resources to help these schools succeed that were promised by the No Child Left Behind Act.

The President has called the No Child Left Behind Act "the most important Federal education reform in history." I respectfully disagree with the President's assessment of this law, the effects of which are beginning to reverberate throughout Wisconsin and throughout the country. As I travel around Wisconsin each year to host lis-

tening sessions in each of our 72 counties, I hear time and again from frustrated teachers, administrators, parents, and others about the negative effect that NCLB is having on education in Wisconsin.

I began to hear such comments more than three years ago when the President first proposed his education initiative, and this drumbeat of concern has increased as my constituents continue to learn first-hand what this new law means for them and for their students and children. While Wisconsinites support holding schools accountable for results, they are concerned about the focus on testing that is the centerpiece of the President's approach.

In response to these concerns, I introduced with Senator JEFFORDS and others the Student Testing Flexibility Act, which would allow States and school districts that are meeting their adequate yearly progress, AYP, goals to waive the additional layer of testing required by NCLB, thus allowing them to maintain their existing testing programs. In addition, this bill would allow States to keep the Federal money allocated for developing and administering these new tests and to use that money to help those schools and districts that are not meeting their AYP goals. I am pleased that this legislation is supported by a wide range of Wisconsin and national education groups.

In addition, earlier this year I sent with some of my colleagues a letter to the chairman and ranking member of the Health, Education, Labor, and Pensions Committee requesting that the committee have a series of hearings on how the ongoing implementation of the NCLB is affecting schools and districts. We asked that these hearings focus on issues that are being raised by our constituents, including: the unique circumstances of rural and smaller school districts; the long-term effects that meeting the one-size-fits-all AYP provisions will have on students, schools, and school districts; the concern and likelihood that nearly all public schools may not be able to meet the goal of 100 percent proficient scores on reading and math tests by the 2013-2014 school year, even if those schools show a steady increase in student achievement each year; the NCLB sanctions structure; the effect that Federal funding that is well below the agreed-upon authorization levels for crucial programs such as Title I and special education is having on schools' ability to meet NCLB and State standards; the need for additional Federal funding for professional development, recruitment and retention, and for additional training for paraprofessionals, so that States and school districts can comply with requirements for having highly qualified teachers and paraprofessionals; the toll that preparation for the new federally mandated tests is having on, and will have on, the ability of teachers to spend time on innovative

and exciting approaches to instruction and assessment, the instruction time available for non-tested subjects, such as social studies, art, music, and physical education, the strength of State academic standards, and the morale of students and educators; the ongoing efforts to align the NCLB and IDEA; the unique challenges that the accountability provisions pose for students with limited English proficiency; and the implementation of the supplemental services provisions, including implications for Federal civil rights law.

It is critically important that we understand the practical effect of the NCLB on the everyday classroom experiences of students and teachers. I have heard from many educators who are already seeing a narrowing of curricula and increased teaching to the test in preparation for the federally mandated tests in reading and math. One of the purposes of public education is to ensure that students have a well-rounded curriculum that gives them the skills that they need to succeed in life. I remain concerned that the approach encapsulated in the NCLB will produce a generation of students who know how to take tests, but who don't have the skills necessary to become successful adults. Test-taking has a place in public education, but it should not be the role of the Federal Government to tell schools how and when to require tests.

As an editorial that appeared earlier this week in the Appleton Post-Crescent so correctly points out, "the more testing schools must do, the more time is taken from education that doesn't involve passing a test. And the more testing schools have to do—in the name of no child being left behind—the greater the chance that your child could be left with a less complete education."

And, I am particularly disturbed that this appears to be only the tip of the testing iceberg. The President has said that he plans to propose even more federally mandated testing if he is re-elected. Specifically, the President said, "[a]s we make progress, we will require a rigorous exam before graduation." If this proposal were to be enacted, it would mean that students would be taking federally mandated tests in 8 of their 13 years of their elementary and secondary years.

And that's not just 8 tests. Beginning next year, students in grades 3-8 will take annual reading and math exams, which totals 12 tests over a student's career. In addition, the Federal Government requires that students be tested in reading and math in one high school grade, which is two more tests, for a total of 14. Beginning in the 2007-2008 school year, NCLB also requires that students be tested in science three times during their school careers (once in each of grades 3-5, 6-9, and 10-12). That's three more tests, for a new total of 17 federally mandated tests. And if the President's new plan for a mandatory high school exit exam is enacted,

you can add one more test, bringing the total to 18 federally mandated tests over 13 years of school.

And this total does not include testing programs already in place at the State level, many of which have been thrown into disarray as States struggle to amend their existing tests to comply with the new NCLB requirements. Wisconsin currently tests students in reading in grade three through the Wisconsin Reading Comprehension Test, and in reading/language arts, math, science, and social studies in grades four, eight, and ten with the Wisconsin Knowledge and Concepts Examinations. And this is in addition to regular classroom tests and quizzes and tests given at the district level by many of the 426 school districts in my state. And then, for those students hoping to go to college, there is the pre-SAT, the SAT, the ACT, and on and on.

The Wisconsin Legislature enacted a requirement for a high school graduation test in 1997. But that test, which was to be required of all students beginning with those in the graduating class of 2003, was delayed for one year due to State budget constraints, and was subsequently delayed for an additional 2 years for that same reason, pushing the requirement from the class of 2003 to the class of 2006.

Last year, as part of the State's 2004-2005 budget, the Wisconsin Legislature repealed the State graduation test, which many parents and educators in my State opposed and vigorously fought against for many years. Now it appears that the President wants to reinstate this requirement on the students of my State—and to impose it on the other 24 States that don't currently have such a test—over the will of the Wisconsin Legislature. And with States still unsure of the actual cost of the NCLB-mandated testing and little in the way of Federal funds to develop and implement it, another Federal testing requirement could bend the already dire budget situations in many States and school districts to the breaking point.

According to a new report from the Center on Education Policy, CEP, 20 States now require high school exit exams, and another five will require such tests by 2009. I support the right of State legislatures and local school districts to determine the frequency with which students are tested, including whether to require a high school exit exam. When I was a member of the Wisconsin legislature, I supported legislation that created statewide tests for the students of my State. But I opposed the extra layer of federally mandated tests piled onto students and teachers with the enactment of the No Child Left Behind Act, and I will oppose any proposal for a federally mandated high school exit exam.

Students, teachers, and schools are more than a test score, and education should be a well-rounded experience that is not narrowly focused on students passing a test to help their

schools avoid being sanctioned by the Federal Government. Standardized tests measure where a particular student is at a particular day and time. These tests do not make allowances for outside factors such as test anxiety, illness, worry about a troubled home situation, or the fact that the child taking the test may not have eaten that day. To measure the performance of a school and its teachers and students on two test scores per grade does a disservice to these same students, teachers, and schools.

I will continue to monitor the effect of the No Child Left Behind Act on Wisconsin students, and I hope that the debate on this law, both in my State and nationally, will result in meaningful changes to this deeply flawed law that will ensure that each child is given the opportunity to succeed and that each school has the resources necessary to give these students that opportunity.

I ask unanimous consent to print the above-referenced editorial in the RECORD.

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

[From the Appleton Post-Crescent, Sept. 8, 2004]

TOO MANY TESTS MEAN DIMINISHED EDUCATION

A quarter-million kids in Wisconsin will spend part of this school year studying for and taking standardized tests.

In the next school year, that number will nearly double, as tests mandated by state government—pushed by the federal No Child Left Behind Act—expand to include more grade levels and more subjects.

There will be more time needed to take tests, and to prepare students to take the tests. And it's all being done to test . . . the schools.

Sure, the kids are the ones taking the tests, but ultimately it's the schools' performance that's being graded. No school wants to be deficient in its test results because, under No Child Left Behind, there may be consequences.

But with more testing on the way—and more classroom time devoted to the tests—what's going to happen to our kids' education? What won't our kids be learning because they'll be studying for more tests?

This year, third-graders have reading tests and fourth-, eighth- and 10th-graders have reading, language arts, math, science and social studies tests. Next year, those tests will remain, but third-graders will add a math test and fifth-, sixth- and seventh-graders will have reading and math tests.

It can be argued that standardized tests show our children are learning. But what are they learning? How to pass one particular test, which tests one particular subject and is geared toward one particular style of learning?

It also can be argued that schools must be accountable and standardized tests are the best way—if flawed—to ensure accountability. But, the more testing schools must do, the more time is taken from education that doesn't involve passing a test.

And the more testing schools have to do—in the name of no child being left behind—the greater the chance that your child could be left with a less complete education.

RANDY JENSEN: NATIONAL SECONDARY PRINCIPAL OF THE YEAR

Mr. CRAPO. Mr. President, I am pleased by the education received by children in my home State of Idaho. Our teachers are caring, administrators are dedicated, and our schools are effective. The preparation for life and for further learning that I received in Idaho classrooms during my youth has served me well throughout the years.

Today, I am especially pleased to honor Randy Jensen, the Principal of William Thomas Middle School in American Falls, ID, who has been selected as the National Secondary Principal of the Year. For nearly 20 years, Mr. Jensen has worked to make William Thomas a welcoming and supportive environment for students and staff. His commitment to communication, teamwork and proactive problem solving is well recognized by parents and members of the community, and has now been recognized by his colleagues at the national level.

Mr. Jensen correctly states that middle school is "a tumultuous time in the lives of young people, so those of us who know and love them must be their advocates." Mr. Jensen has been just that: an effective advocate for Idaho students. It is altogether fitting that he should be recognized and honored. So today, I offer my congratulations and best wishes to Randy Jensen, National Secondary Principal of the Year.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

GLOBAL HEALTH AND PROTECTION AGAINST BIOTERROR ATTACKS

• Mr. AKAKA. Mr. President, I rise today to express my concern that we need to do much more and do it much sooner to address the threat posed by Avian influenza and other infectious diseases.

The Avian influenza outbreaks that occurred in late June 2004 indicate that the virus is becoming more pathogenic and more widespread according to World Health Organization, WHO, officials. In addition, this virus has crossed the species barrier, moving from infected chickens or ducks directly into humans in three documented outbreaks since 1997.

I am most troubled, however, by a warning from WHO officials that the virus may acquire the ability to spread easily from human to human, and thus, trigger a global influenza pandemic. According to the Centers for Disease Control and Prevention, CDC, an influenza pandemic could cause an estimated 89,000 to 207,000 deaths, 314,000 to 733,000 hospitalizations, and cost from \$71-\$167 billion in the United States alone. We cannot afford to take this threat lightly.

The so-called bird flu is deadly to humans. It killed 24 out of 35 people who

contracted it from chickens in Thailand and Vietnam earlier this year. In July an additional three were killed in Vietnam. This fatality rate is in the same range as the Ebola virus which is considered one of the most virulent viral diseases known to man.

Lack of effective treatment options for Avian flu contribute to its lethality. Creating an effective vaccine for the Avian influenza virus is extremely difficult. The virus is so deadly that a vaccine cannot easily be grown in eggs, the usual method of production. Other vaccine production methods are being studied, but the required extensive safety tests for a new vaccine mean that large scale vaccine distribution is not feasible in the near term.

Equally disturbing is that only one drug is currently believed effective to treat Avian flu, an antiviral medicine called Tamiflu which helps only if taken within one to two days of developing symptoms of the disease.

The WHO recently decided Tamiflu should be included in regional stockpiles to be distributed at the first sign of a new influenza virus spreading among humans. Unfortunately, if a pandemic of Avian flu were to occur now, the manufacturer of Tamiflu could not produce enough of the drug to meet the huge demand that would occur, and there is no generic substitute.

In light of these very limited treatment options, we should heed the WHO's warning and take aggressive steps to prevent a pandemic from occurring while at the same time increasing our preparedness to respond to all public health emergencies by developing a global defense system against the outbreak of diseases, including those resulting from terrorist attacks.

On July 31, 2003, I introduced S. Res. 208 to address this concern. The resolution seeks to improve American defenses against the spread of infectious diseases by calling for improvements in global disease surveillance capabilities because the early warning of a disease outbreak is key to its identification, the quick application of countermeasures, and the development a cure.

The recent Presidential Directive 10, "Biodefense for the 21st Century," observes that many bioterror attacks could initially mimic naturally occurring diseases and potentially delay recognition of an attack. This is another important reason why I believe that the United States must strengthen its ability to detect diseases before they cross our borders. To pursue this initiative, I along with Senators BINGAMAN, DODD, DURBIN, FEINSTEIN, INOUE, LEAHY, LEVIN, LIEBERMAN, MURRAY, and SARBANES sent a letter to President Bush urging his support for global health issues at the 2004 Group of Eight, G-8, Summit. Our letter underscored the need for better disease surveillance and reporting systems which are inclusive of all public health emergencies of international concern.

I am pleased that the G-8 committed to take steps to expand and initiate new biosurveillance capabilities to detect bioterror against humans, animals, and crops; improve bioterrorism prevention and response capabilities; increase protection of the global food supply; and respond to, investigate, and mitigate the effects of alleged uses of biological weapons or suspicious outbreaks of disease.

The administration followed the G-8 summit with the August release an updated draft of the 1978 Pandemic Influenza Response and Preparedness Plan for 60 days of public comment. This plan outlines the administration's proposed national strategy for preparing and responding to an influenza pandemic. Developing a strategy is good and the administration is to be commended for its concern, but far better would be committing more resources now to programs that have already been identified as critical to our preparedness.

For example, the administration's fiscal year 2005 budget request, which cuts public health preparedness for State and local governments by more than \$105 million and hospital preparedness funding at the Health Resources and Services Administration by \$39 million, seriously calls into question the administration's commitment to ensuring that U.S. citizens are protected from bioterrorist events and other public health emergencies.

I commend the President and the G-8 for expressing support for global health issues, but words and plans are not enough. We need action and we need action now. We must act together to reduce the grave threat that biological weapons and naturally occurring infectious diseases pose to the safety and security of the world.

Adoption of S. 427, the Agriculture Security Assistance Act, and S. 430, the Agriculture Security Preparedness Act, which I introduced in 2003 to help protect our Nation from an agroterror attack, would be a good first step for the United States as we strive to live up to the promises made to our G-8 partners. S. 427 would assist states and communities in responding to threats to the agriculture industry by providing funding for biosecurity grants to farmers and community planning activities. S. 430 would enable better interagency coordination within the federal government as it works to plan and respond to a threat to American agriculture.

We should also ensure that the National Security Council, and the Departments of State, Homeland Security, and Health and Human Services have the funding and support they need to fully implement the commitments made at the 2004 G-8 summit. CDC's fiscal year 2005 budget request for global disease detection shows an increase of \$27.5 million over the fiscal year 2004 budget. However, this funding increase comes at the expense of other important public health initiatives. We should not be robbing Peter to pay

Paul when it comes to the health and safety of our Nation.

We must take action to increase WHO's global disease surveillance capability, including supporting their effort to revise the International Health Regulations by expanding the scope of required disease reporting to include all public health emergencies of international concern. An April 2004 Government Accountability Office, GAO, report on emerging infectious diseases, "Asian SARS Outbreak Challenged International and National Responses," GAO-04-564, noted that the response by governments in SARS-affected countries was hindered by inadequate disease surveillance systems, poor communication, ineffective leadership, insufficient public health capacity, and limited resources.

While the International Health Regulations provide the legal framework for global infectious disease control, WHO's Global Outbreak Alert and Response Network, GOARN, is the primary mechanism by which WHO mobilizes technical resources for the investigation of and response to disease outbreaks of international importance. The SARS outbreak was the first time that the GOARN network was activated on such a large scale for an international outbreak of an unknown emerging infectious disease. During the SARS outbreak, GOARN's human resources were stretched to capacity. GOARN experienced difficulty in sustaining the response to SARS over time and getting the appropriate experts out into the field.

These difficulties in responding to and containing the SARS outbreak demonstrate the urgent need to strengthen our ability to respond to global health emergencies. For example, the CDC reported that if the United States had experienced many SARS cases during the global outbreak, CDC might not have been able to make as many of their staff available to assist GOARN. In light of this, the implications of a bioterror event or an influenza pandemic are chilling. The SARS outbreak sickened 8,089 people causing 774 deaths in 2003, and an influenza pandemic is estimated by CDC to affect 10 times as many people.

CDC's fiscal year 2005 budget request for global disease detection is \$50 million. This figure is not adequate when one considers that the SARS outbreak alone cost Asian economies \$11 billion to \$18 billion and resulted in losses of 0.5 percent to 2 percent of total output. If we multiply that by 10 for an influenza pandemic, the numbers are staggering. If we act now to increase funding for these programs, we have a chance to help prevent such a tragic situation from happening. By helping the world cope with infectious disease outbreaks we not only increase global public health, but help ensure the health and safety of the American people as well.●

ADDITIONAL STATEMENTS

CONGRATULATIONS TO BUDDY BUTLER AND NIKKI HENSLEY

• Mr. BUNNING. Mr. President, I wanted to take this opportunity to congratulate a Kentucky couple, Buddy Butler and Nikki Hensley. They were recently picked to receive a "Destination Wedding" by viewers of NBC's Today Show. They competed for the free wedding package against three other couples, and were selected to receive a celebrity wedding, which will be broadcast on television.

The couple met in June of 2003, however, soon after Buddy was shipped off for a six-month tour to Iraq. Buddy joined the U.S. Army after the tragic events of 9/11 determined to help his country. He was just back from Korea when he met Nikki at a cousin's wedding. The couple remained faithful to each other during Buddy's deployment and decided to marry upon his return from Iraq.

Couples such as Buddy and Nikki are the basis for good family values in our country. I wish them luck with their celebrity wedding in November and hope for them a strong marriage in the future. Kentucky is proud of them and will be watching their big day. •

DR. CECIL L. "CHIP" MURRAY

• Mrs. BOXER. Mr. President, today I wish to honor the Rev. Dr. Cecil L. "Chip" Murray, who is retiring after 37 years of distinguished service with the First African Methodist Episcopal Church of Los Angeles.

Dr. Murray is a man of great passion and vision who has inspired his congregation to go "beyond the walls" of the church to help the broader community. Under his leadership, volunteers from First AME Los Angeles have changed thousands of lives for the better.

When Dr. Murray was first assigned to First AME in 1977, his new church family had 300 active members. Today the congregation has more than 18,000 members. Led by Dr. Murray, the church ministry fills the sanctuary with an awe-inspiring spiritual worship service that draws people of all faiths from far and wide.

While tending to his congregation's spiritual needs, Dr. Murray has also led them to look beyond the walls of the church at those less fortunate than themselves. Each member of the congregation is asked to join one of 40 task forces addressing community needs such as health, homelessness, substance abuse, emergency food and clothing, general and specialized housing, tutoring, employment services, and entrepreneurial training.

As he heads into a well-deserved retirement, Dr. Murray will receive accolades and appreciation from a grateful congregation and community. I wish to join them in expressing my deep appreciation for his great life's work and my

very best wishes for the future. I am sure that even in retirement, Dr. Murray will continue to work wonders and inspire others for many years to come. •

NATIONAL ASSISTED LIVING WEEK

• Mr. WYDEN. Mr. President, next week, September 12 through 18, is the tenth annual National Assisted Living Week. The theme this year is "Caring for Our Heritage," and encourages residents, families, staff and the community to share their heritage as a means of understanding the diverse backgrounds that form a community and our Nation.

Beginning annually on Grandparents' Day, this honorary week spotlights the role played by assisted living professionals in caring for the nearly one million of our Nation's elderly and disabled. Assisted living provides a home-like environment in which individuals who do not need the level of care provided by nursing homes receive help in order to continue to live independently. The need for this approach will only grow as our Nation ages. I am pleased that my State of Oregon has been a leader in developing the assisted living concept. Caregivers in assisted living are central to this evolution in care and are key to assuring its success by providing support to both residents and families.

National Assisted Living Week was created in 1995 by the National Center for Assisted Living. This year, for the first time, it is being celebrated in conjunction with the American Association of Homes and Services for the Aging and the Assisted Living Federation of America. National Assisted Living Week emphasizes the importance of this service which has grown 50 percent nationally in the last 5 years. •

HONORING RICHARD E. "DICK" KIPPER

• Mr. HARKIN. Mr. President, I wish to pay tribute to Richard E. "Dick" Kipper, an extraordinary leader in the fight against Alzheimer's disease. In November, Dick will complete his term as National Board Chair of the Alzheimer's Association, a position he has held for two years and which caps nearly a decade of commitment to the cause of creating a world without Alzheimer's disease.

Like so many others, Dick joined the fight against Alzheimer's after the disease touched his family. Dick lost his beloved father to Alzheimer's. But because of his efforts, future generations will be better off.

Dick has played a vital part in helping the Alzheimer's Association achieve its strategic goals of advancing research, enhancing care and support and raising public awareness. He has logged thousands of miles traveling across the country and devoted countless hours on behalf of the Alzheimer's

Association. Here are just a few of his accomplishments.

Dick Kipper first joined the Alzheimer's Association's National Board in 1996 and quickly rose through the ranks to assume significant leadership positions. He chaired the National Board's Development Committee, was elected vice-chair of the National board, and served on the board's Diversity and Inclusion, Finance and Chapter Committees. He also spearheaded the effort to mobilize the board and chapters in support of the Association's "billion dollar research goal."

Under Dick's guidance, the Alzheimer's Association has led the fight for increased research funding and launched a new campaign to change the way people think about Alzheimer's disease. Last year, the Association dedicated nearly \$16 million to its peer-reviewed research grants program and initiated a "Research Roundtable" partnership with pharmaceutical companies to develop strategies for generating and sharing new information designed to accelerate progress in research. In July of this year, the Alzheimer's Association sponsored the 9th International Conference on Alzheimer's Disease and Related Disorders, the largest gathering of Alzheimer researchers in history. More than 4,200 scientists from around the world shared findings from 2,000 studies showcasing the newest treatment advances in Alzheimer's disease and steps toward prevention. Dick's advocacy for increased research funding has also brought him to Washington each spring for the last three years to lobby Congress to increase federal funding for Alzheimer's research to \$1 billion.

Helping caregivers and family members understand that they are not alone in the fight against Alzheimer's disease and that there is hope on the horizon are other signature accomplishments of the Alzheimer's Association under Dick's leadership. In February, the Alzheimer's Association revealed a new brand identity, a redesigned website and its "Maintain Your Brain" campaign to educate Americans about Alzheimer's disease. The Association also established a new advisory council to address critical issues related to prevention, diagnosis and imaging, disease progression, and improved treatments. Dick's leadership was instrumental in guiding the Alzheimer's Association through these projects.

In addition to being an outstanding leader in the Alzheimer community, Dick is also an accomplished businessman. In 1967 he co-founded AFSA Data Corporation, a student loan servicing company. After Fleet Financial Group acquired AFSA in 1986, Dick served as chairman of the board and chief executive officer. At his retirement in 1990, the company employed more than 1,000 people and had annual revenues that exceeded \$65 million. He also was co-owner, president and CEO of Major Legal Services, a multimillion-dollar

document acquisition, process server and court reporting service company headquartered in San Francisco. And, he is a board member of The Guggenheim Group, L.L.C., a venture capital and financial management firm.

I salute Dick Kipper for his tireless efforts to help those with Alzheimer's and to create a brighter future without this disease.●

GREEN MOUNTAIN AUDUBON NATURE CENTER

● Mr. LEAHY. Mr. President, this Saturday, the Green Mountain Audubon Nature Center in Huntington, VT will celebrate its 40th anniversary.

In 1964, Mrs. Christine Hires of Philadelphia, offered the 150-acre Vermont farm she had owned since 1940, to the newly formed Green Mountain Audubon Society. Mrs. Hires' dream was to keep the land open to visitors and in its natural condition. An open house was held on September 19 and 20 of that year. The Green Mountain Audubon Nature Center was established.

Since 1964, the center has grown to 255 acres of varied habitat including hardwood forest, cedar swamp, beaver pond, meadows, pristine stream and river edge. The original farmhouse and barn are currently used as office and program space for Audubon Vermont. The center also includes a sugar house, the "Clubhouse" for summer camps and programs and a full-scale replica of an Abenaki longhouse.

Annually, nearly 15,000 visitors enjoy the nature trails, bird and other wildlife watching as well as a variety of environmental education programs the center is known for. Some 4,500 children and adults take part in educational programs led by Audubon teacher-naturalists each year.

I want to congratulate Green Mountain Audubon on 40 years of bringing people closer to nature through environmental education, natural resources stewardship, its citizen science efforts and, of course, sound conservation advocacy. This weekend's celebration will honor the oldest operating nature center in Vermont and the many individuals who have contributed to its success. Well done.●

GEORGIA'S 116TH AIR CONTROL WING

● Mr. MILLER. Mr. President, today I rise to honor Georgia's 116th Air Control Wing (ACW) based at Robins Air Force Base. This week, the wing will be awarded the Spaatz Trophy, which recognizes the Nation's most outstanding Air National Guard unit.

For those of you who do not know, the Spaatz Trophy is named for General Carl Spaatz, the first chief of staff of the independent Air Force and is presented annually to the overall outstanding Air National Guard flying unit. Selection of the winner is based on unit combat readiness during the re-

porting year and the unit's performance with respect to all other Air Guard flying units. More than 90 flying units from across the Nation are eligible to compete.

I would like to point out that this year's winner is no ordinary Air Force wing. The 116th ACW made history 2 years ago when it became the first blended unit ever in the Air Force—kicking off an historic transformation of our fighting force. The wing is comprised of both Air National Guardsmen members of the Active Duty Air Force, and is commanded by a member of the Georgia Air Guard—General Tom Lynn.

Further, the 116th ACW is the only Air Force unit operating the E-8C Joint Surveillance Target Attack Radar System, Joint STARS, which is the most advanced airborne ground surveillance and battle management system in the world.

During 2003, the year for which this award is presented, the 116th ACW completed the largest deployment in its history as it supported Operations Iraqi Freedom and Enduring Freedom and flew more than 5,000 combat hours. This outstanding achievement occurred just months after the wing's historic transformation.

It is a great honor to win the Spaatz Trophy, and this award further illustrates the hard work taking place by the extremely talented members of the 116th ACW. I would like to extend my heartfelt congratulations to General Tom Lynn and all the members of the 116th Air Control Wing.●

MESSAGE FROM THE HOUSE

At 2:12 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, with an amendment:

S. 2634. An act to amend the Public Health Services Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8953. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Strategic Plan for Fiscal Years 2004-2009; to the Committee on Environment and Public Works.

EC-8954. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Lit of Approved Spent Fuel Storage Casks: NAC-MPC Revision" (RIN3150-AH50) received on August 18, 2004; to the Committee on Environment and Public Works.

EC-8955. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Minnesota; Sulfur Dioxide; United Defense" (FRL#7794-5) received on August 18, 2004; to the Committee on Environment and Public Works.

EC-8956. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plan; Connecticut; Carbon Monoxide Maintenance Plan Updates; Limited Maintenance Plans" (FRL#7801-2) received on August 18, 2004; to the Committee on Environment and Public Works.

EC-8957. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plan; Utah; Revisions to New Source Review Rules" (FRL#7791-7) received on August 18, 2004; to the Committee on Environment and Public Works.

EC-8958. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Isodecyl Alcohol Ethoxylated (2-8 Moles) Polymer with Chormethly Oxirane: Tolerance Exemption" (FRL#7368-3) received on August 18, 2004; to the Committee on Environment and Public Works.

EC-8959. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Wyoming Restructuring and Renumbering of Wyoming Air Quality Standards and Regulations" (FRL#7784-8) received on August 18, 2004; to the Committee on Environment and Public Works.

EC-8960. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Illinois" (FRL#7784-6) received on August 18, 2004; to the Committee on Environment and Public Works.

EC-8961. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; State of Alaska; Fairbanks Carbon Monoxide Nonattainment Area; Designation of Areas for Air Quality Planning Purposes" (FRL#7792-3) received on August 18, 2004; to the Committee on Environment and Public Works.

EC-8962. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL#7790-6) received on August 18, 2004; to the Committee on Environment and Public Works.

EC-8963. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL#7788-5) received on August 18, 2004; to the Committee on Environment and Public Works.

EC-8964. A communication from the Acting Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy and designation acting officer for the position of Assistant Administrator for Solid Waste and Emergency Response, Environmental Protection

Agency, received on July 26, 2004; to the Committee on Environment and Public Works.

EC-8965. A communication from the Acting Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a change in previously submitted reported information for the position of Chief Financial Officer, Environmental Protection Agency, received on July 26, 2004; to the Committee on Environment and Public Works.

EC-8966. A communication from the Acting Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a change in previously submitted reported information for the position of General Counsel, Environmental Protection Agency, received on July 26, 2004; to the Committee on Environment and Public Works.

EC-8967. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Approval of Three Shot Types—Tungsten-Bronze, Tungsten-Iron, and Tungsten-Tin-Bismuth—as Nontoxic for Hunting Waterfowl and Coots" (RIN1018-AT32) received on August 6, 2004; to the Committee on Environment and Public Works.

EC-8968. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Jersey; Emission Statement Program" (FRL#7788-6) received on August 6, 2004; to the Committee on Environment and Public Works.

EC-8969. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Colorado; Designation of Areas for Air Quality Planning Purposes, Lamar and Steamboat Springs" (FRL#7784-9) received on August 6, 2004; to the Committee on Environment and Public Works.

EC-8970. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Washington; Central Puget Sound Carbon Monoxide and Ozone Second 10-Year Maintenance Plans" (FRL#7792-5) received on August 6, 2004; to the Committee on Environment and Public Works.

EC-8971. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Printing, Coating, Dyeing of Fabrics and Other Textiles" (FRL#7797-6) received on August 6, 2004; to the Committee on Environment and Public Works.

EC-8972. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propamocarb Hydrochloride; Pesticide Tolerance" (FRL#7368-8) received on August 6, 2004; to the Committee on Environment and Public Works.

EC-8973. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propenoic Acid; Pesticide Tolerance" (FRL#7358-4) received on August 6, 2004; to the Committee on Environment and Public Works.

EC-8974. A communication from the Deputy Associate Administrator, Environmental

Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propiconazole; Time-Limited Pesticide Tolerances" (FRL#7352-1) received on August 6, 2004; to the Committee on Environment and Public Works.

EC-8975. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Joint Counterpart Endangered Species Act Section 7 Consultation Regulation" (RIN0648-AQ69) received on August 6, 2004; to the Committee on Environment and Public Works.

EC-8976. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's latest monthly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-8977. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Superfund Five-Year Review Report to Congress-FY2003"; to the Committee on Environment and Public Works.

EC-8978. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Interim Enforcement Policy Regarding the Use of Alternate Dispute Resolution" received on August 11, 2004; to the Committee on Environment and Public Works.

EC-8979. A communication from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting, pursuant to law, a report on the results of the assessment of the general conditions of confirmed disposal facilities in the Great Lakes; to the Committee on Environment and Public Works.

EC-8980. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Revised Medical Criteria for Evaluating Skin Disorders" (RIN0969-AF29) received on August 6, 2004; to the Committee on Finance.

EC-8981. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Statutory Options" (RIN1545-BA75) received on July 23, 2004; to the Committee on Finance.

EC-8982. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Reduced Maximum Exclusion of Gain from Sale or Exchange of Principal Residence" (RIN1545-BB02) received on July 23, 2004; to the Committee on Finance.

EC-8983. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Telecommunications—Taxation of Universal Service Fees" (UIL:61.40-01) received on July 23, 2004; to the Committee on Finance.

EC-8984. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—June 2004" (Rev. Rul. 2004-91) received on July 23, 2004; to the Committee on Finance.

EC-8985. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Remedial Action for Tax-Exempt Bonds" (TD 9150) received on July 23, 2004; to the Committee on Finance.

EC-8986. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Model 457 Plan Provisions" (Rev. Proc. 2004-56) received on July 23, 2004; to the Committee on Finance.

EC-8987. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Clarification of Definitions" (RIN1545-BD43) received on July 23, 2004; to the Committee on Finance.

EC-8988. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—May 2004" (Rev. Rul. 2004-81) received on July 23, 2004; to the Committee on Finance.

EC-8989. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Notice: Request for Comments on Tax Treatment of Credit Default Swaps" (Notice 2004-52) received on July 23, 2004; to the Committee on Finance.

EC-8990. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Like-Kind Exchanges Using Qualified Exchange Accommodation Arrangements" (Rev. Proc. 2004-51) received on July 23, 2004; to the Committee on Finance.

EC-8991. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Health Savings Account—Additional Q and A's" (Notice 2004-50) received on July 23, 2004; to the Committee on Finance.

EC-8992. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Allocation and Apportionment of Deductions for Charitable Contributions" (TD9143) received on July 23, 2004; to the Committee on Finance.

EC-8993. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 43 Inflation Adjustment" (Notice 2004-49) received on July 23, 2004; to the Committee on Finance.

EC-8994. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Marginal Production Rates" (Notice 2004-48) received on July 23, 2004; to the Committee on Finance.

EC-8995. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "TD Entry of Taxable Fuel" (RIN1545-BD29) received on July 23, 2004; to the Committee on Finance.

EC-8996. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "TD Entry of Taxable Fuel" (RIN1545-BD29) received on July 23, 2004; to the Committee on Finance.

EC-8997. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004" (Notice 2004-56) received on July 23, 2004; to the Committee on Finance.

EC-8998. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "TD9146: Section 179 Elections" (RIN1545-BD35) received on July 23, 2004; to the Committee on Finance.

EC-8999. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Deemed Corporate Election for Electing S Corporations" (TD9139) received on July 23, 2004; to the Committee on Finance.

EC-9000. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Domestic Asset/Liability and Domestic Investment Yield Percentages for 2003" (Rev. Proc. 2004-55) received on July 23, 2004; to the Committee on Finance.

EC-9001. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Time and Manner of Making Section 163(d)(4)(b) Election to Treat Qualified Dividend Income as Investment Income" (TD9147) received on July 23, 2004; to the Committee on Finance.

EC-9002. A communication from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Port Limits of Chicago, Illinois" (CBP Dec. 04-24) received on August 11, 2004; to the Committee on Finance.

EC-9003. A communication from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Time Limit of Admission of Certain Mexican Nationals" (RIN1651-AA60) received on August 11, 2004; to the Committee on Finance.

EC-9004. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Filing Claims Under the Federal Tort Claims Act and the Military Personnel and Civilian Employees Claims Act" (RIN0960-AF39) received on August 6, 2004; to the Committee on Finance.

EC-9005. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Old Age, Survivors and Disability Insurance; Coverage of Residents in the Commonwealth of the Northern Mariana Islands (CNMI); Coverage of Ministers, Members of the Clergy and Christian Science Practitioners" (RIN0960-AG01) received on August 6, 2004; to the Committee on Finance.

EC-9006. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the manufacture abroad of significant military equipment in Canada and Australia; to the Committee on Foreign Relations.

EC-9007. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms sold commercially under a contract in the amount of \$1,000,000 or more to Canada; to the Committee on Foreign Relations.

EC-9008. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles and

defense services sold commercially under a contract in the amount of \$50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC-9009. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms sold commercially under a contract in the amount of \$1,000,000 or more to Canada; to the Committee on Foreign Relations.

EC-9010. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-9011. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$100,000,000 or more to Mexico; to the Committee on Foreign Relations.

EC-9012. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed sale of defense articles or defense services in the amount of \$100,000,000 or more to Hungary; to the Committee on Foreign Relations.

EC-9013. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles or defense services in the amount of \$50,000,000 or more to France and Brazil; to the Committee on Foreign Relations.

EC-9014. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed transfer of major defense equipment valued at \$14,000,000 or more to Thailand; to the Committee on Foreign Relations.

EC-9015. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of major defense equipment consisting of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Kazakhstan; to the Committee on Foreign Relations.

EC-9016. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC-9017. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC-9018. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to law, a report relative to the export of armored personnel carriers (APCs); to the Committee on Foreign Relations.

EC-9019. A communication from the Assistant Secretary for Legislative Affairs, transmitting, pursuant to law, a report relative to a review of programs and projects of the International Atomic Energy Agency (IAEA); to the Committee on Foreign Relations.

EC-9020. A communication from the Acting Assistant Secretary for Legislative Affairs, transmitting, pursuant to law, a report relative to various conditions in Bosnia and Herzegovina; to the Committee on Foreign Relations.

EC-9021. A communication from the Assistant Secretary for Legislative Affairs, transmitting, pursuant to law, a report relative to efforts made by certain international organizations to employ an adequate number of Americans during 2003; to the Committee on Foreign Relations.

EC-9022. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-9023. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-9024. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report that the export to Iraq of flashbang distraction, smoke and riot control grenades, and infrared laser sights for exclusive use by Iraqi authorities for internal security operations is in the national interest of the United States; to the Committee on Foreign Relations.

EC-9025. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report that the export to Iraq of certain surveillance equipment is in the national interest of the United States; to the Committee on Foreign Relations.

EC-9026. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Iran Nuclear Proliferation Prevention Act of 2002; to the Committee on Foreign Relations.

EC-9027. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Comparative Analysis of Actual Cash Collections to Revised Revenue Estimates Through the 2nd Quarter of Fiscal Year 2004"; to the Committee on Governmental Affairs.

EC-9028. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2004 Revenue Estimate in Support of the Insurance of \$280 Million in Revenue Bonds"; to the Committee on Governmental Affairs.

EC-9029. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Contract Awarded by the Water and Sewer Authority was Poorly Monitored and Managed"; to the Committee on Governmental Affairs.

EC-9030. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Certification of the Sufficiency of the Washington Convention Center Authority's Projected Revenue and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2005"; to the Committee on Governmental Affairs.

EC-9031. A communication from the Chairman, National Labor Relations Board, transmitting, pursuant to law, the Board's inventory of inherently governmental and commercial activities; to the Committee on Governmental Affairs.

EC-9032. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending March 31, 2004; to the Committee on Governmental Affairs.

EC-9033. A communication from the Acting Assistant Secretary for Policy, Planning, and Preparedness, Department of Veterans' Affairs, transmitting, pursuant to law, a report of the inventory of commercial activities, which are currently being performed by Federal employees for calendar year 2003; to the Committee on Governmental Affairs.

EC-9034. A communication from the Executive Associate Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Office's report of competitive sourcing efforts for fiscal year 2003; to the Committee on Governmental Affairs.

EC-9035. A communication from the Acting Secretary, Commission of Fine Arts, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing competitions in FY 2003; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. ALEXANDER, Mr. HAGEL, Mr. LEAHY, Mr. DEWINE, and Mr. COLEMAN):

S. 2781. A bill to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes; to the Committee on Foreign Relations.

By Mr. SUNUNU:

S. 2782. A bill to reform social security by establishing a Personal Social Security Savings Program; to the Committee on Finance.

By Mr. FEINGOLD:

S. 2783. A bill to clarify conditions for the interceptions of computer trespass communications under the USA-PATRIOT Act; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself, Mrs. DOLE, and Mr. SESSIONS):

S. 2784. A bill to promote freedom and democracy in Vietnam; to the Committee on Foreign Relations.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2785. A bill to amend title 4 of the United States Code to prohibit the double taxation of telecommuters and others who work at home; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRYOR (for himself and Mrs. LINCOLN):

S. Res. 420. A resolution recommending expenditures for an appropriate visitors center at Little Rock Central High School National Historic Site to commemorate the desegregation of Little Rock Central High School;

to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself, Mr. BIDEN, Mr. SANTORUM, Mr. MCCONNELL, and Mr. LOTT):

S. Res. 421. A resolution expressing outrage at the recent terrorist atrocities in Beslan, Russian Federation, and condolences to the families of the victims; considered and agreed to.

ADDITIONAL COSPONSORS

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 453, a bill to authorize the Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 1368

At the request of Mr. REED, his name was added as a cosponsor of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

At the request of Mr. FRIST, his name was added as a cosponsor of S. 1368, supra.

S. 1557

At the request of Mr. MCCONNELL, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1902

At the request of Mr. REED, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1902, a bill to establish a National Commission on Digestive Diseases.

S. 2190

At the request of Mr. INHOFE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2190, a bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person.

S. 2203

At the request of Mr. CORZINE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2203, a bill to provide assistance to combat HIV/AIDS in India, and for other purposes.

S. 2302

At the request of Mr. CONRAD, the names of the Senator from Nebraska

(Mr. NELSON) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 2302, a bill to improve access to physicians in medically underserved areas.

S. 2395

At the request of Mr. CONRAD, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. FITZGERALD), the Senator from Illinois (Mr. DURBIN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2395, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 2466

At the request of Mr. BROWNBACK, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2466, a bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child.

S. 2468

At the request of Ms. COLLINS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2468, a bill to reform the postal laws of the United States.

S. 2491

At the request of Ms. CANTWELL, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2491, a bill to amend the Public Health Service Act to promote and improve the allied health professions.

S. 2520

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2520, a bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families.

S. 2526

At the request of Mr. BOND, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2592

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2592, a bill to provide crop and livestock disaster assistance.

S. 2602

At the request of Mr. DODD, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2602, a bill to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United

States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

S. 2657

At the request of Ms. COLLINS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2657, a bill to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes.

S. 2671

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2671, a bill to extend temporary State fiscal relief, and for other purposes.

S. 2731

At the request of Mr. LAUTENBERG, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2731, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 2741

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 2741, a bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes.

S. 2754

At the request of Mr. DASCHLE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2754, a bill to amend the Social Security Act to protect social security cost-of-living adjustments (COLA).

S. 2756

At the request of Mr. ALLARD, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2756, a bill to extend a certain high priority corridor in the States of Colorado, Nebraska, South Dakota, and Wyoming.

S. 2761

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2761, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers, ranchers, and fishermen, and for other purposes.

S. CON. RES. 127

At the request of Mr. SCHUMER, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. Con. Res. 127, a concurrent resolution expressing the sense of Congress that the President should designate September 11 as a national day of voluntary service, charity, and compassion.

S. RES. 271

At the request of Mr. COLEMAN, the names of the Senator from Illinois (Mr.

FITZGERALD) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 271, a resolution urging the President of the United States diplomatic corps to dissuade member states of the United Nations from supporting resolutions that unfairly castigate Israel and to promote within the United Nations General Assembly more balanced and constructive approaches to resolving conflict in the Middle East.

S. RES. 311

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thadeus Nguyen Van Ly, and for other purposes.

S. RES. 387

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. Res. 387, a resolution commemorating the 40th Anniversary of the Wilderness Act.

S. RES. 392

At the request of Mr. BINGAMAN, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Vermont (Mr. LEAHY) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 392, a resolution conveying the sympathy of the Senate to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

AMENDMENT NO. 3578

At the request of Mr. BAUCUS, the names of the Senator from Washington (Ms. CANTWELL), the Senator from North Dakota (Mr. DORGAN), the Senator from North Dakota (Mr. CONRAD) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 3578 intended to be proposed to H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 3590

At the request of Mr. FITZGERALD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 3590 intended to be proposed to H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NO. 3593

At the request of Mr. FITZGERALD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 3593 intended to be proposed to H.R. 4567, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. ALEXANDER, Mr. HAGEL, Mr. LEAHY, Mr. DEWINE, and Mr. COLEMAN):

S. 2781. A bill to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Peace in Sudan Act of 2004".

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) JEM.—The term "JEM" means the Justice and Equality Movement.

(3) SLA.—The term "SLA" means the Sudanese Liberation Army.

(4) SPLM.—The term "SPLM" means the Sudan People's Liberation Movement.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) A comprehensive peace agreement for Sudan, as envisioned in the Sudan Peace Act (50 U.S.C. 1701 note), and in the Machakos Protocol of 2002, is in grave jeopardy.

(2) Since 1989, the Government of Sudan has repeatedly engaged in and sponsored orchestrated campaigns of attacking and displacing targeted civilian populations, disrupting their ability to sustain themselves, and subsequently restricting assistance to those displaced in a coordinated policy of ethnic cleansing and Arabization that is most recently evident in the Darfur region of Sudan.

(3) In response to 2 decades of civil conflict in Sudan, the United States has helped to establish an internationally supported peace process to promote a negotiated settlement to the war that has resulted in a framework peace agreement, the Nairobi Declaration on the Final Phase of Peace in the Sudan signed June 5, 2004.

(4) At the same time that the Government of Sudan was negotiating for a final country-wide peace, enumerated in the Nairobi Declaration on the Final Phase of Peace in the Sudan, it refused to engage in any discussion with regard to its ongoing campaign of ethnic cleansing in the region of Darfur.

(5) It was not until the international community expressed its outrage, through high level visits by Secretary of State Colin Powell and others, and through United Nations Security Council Resolution 1556 of July 30, 2004, that the Government of Sudan agreed to engage in talks to bring peace to the Darfur region.

(6) According to the Government of the United States and United Nations officials, the Government of Sudan has engaged in an orchestrated campaign, with the assistance of its Arab Sudanese proxy militia, the

Janjaweed, to remove a significant part of the ethnically African population from North Darfur, West Darfur, and South Darfur, Sudan.

(7) The United Nations High Commissioner for Human Rights identified "massive human rights violations in Darfur perpetrated by the Government of Sudan and the Janjaweed, which may constitute war crimes and/or crimes against humanity".

(8) Evidence collected by international observers in the Darfur region between January 2003 and September 2004 indicate a coordinated effort to target African Sudanese civilians in a scorched earth policy, from both air and ground, that has destroyed African Sudanese villages, killing and driving away its people, while Arab Sudanese villages have been left unscathed.

(9) As a result of this coordinated campaign, which Congress has declared to be genocide, reports indicate tens of thousands of African Sudanese civilians killed, the systematic rape of thousands of women and girls, the destruction of hundreds of Fur, Masalit, and Zaghawa villages and other ethnically African populations, including the poisoning of their wells and the plunder of crops and cattle upon which they sustain themselves.

(10) According to the United Nations High Commissioner for Refugees, 1,400,000 people have been displaced in the Darfur region of Sudan, of whom over 200,000 have been forced to flee to Chad as refugees.

(11) The Government of Sudan conducted aerial attack missions and deadly raids across the international border between Sudan and Chad in an illegal effort to pursue Sudanese civilians seeking refuge in Chad.

(12) In addition to the thousands of violent deaths directly caused by ongoing Sudanese military and government sponsored Janjaweed attacks in the Darfur region, the Government of Sudan has restricted humanitarian and human rights workers' access to the Darfur area, primarily through bureaucratic and administrative obstruction in an attempt to inflict the most devastating harm on those displaced from their villages and homes without any means of sustenance or shelter.

(13) The Government of Sudan's continued support for the Janjaweed and their obstruction of the delivery of food, shelter, and medical care to the Darfur region—

(A) is estimated to be causing 500 deaths each day; and

(B) is projected to escalate to 2,400 deaths each day by December 2004, so that even a best-case scenario will likely result in the death of more than 320,000 people between April 1, 2004 and December 31, 2004.

(14) The Government of Chad served an important role in facilitating the Darfur humanitarian cease-fire (the N'Djamena Agreement dated April 8, 2004) for the Darfur region between the Government of Sudan and the 2 opposition rebel groups in Darfur (the JEM and the SLA) although both sides have violated it repeatedly.

(15) The people of Chad have responded courageously to the plight of over 200,000 Darfur refugees even though such assistance has adversely affected their own means of livelihood.

(16) The cooperation and inclusion of all Sudanese is essential to the establishment of peace and security throughout all of Sudan.

(17) The African Union has demonstrated renewed vigor in regional affairs through its willingness to respond to the crisis in Darfur, by convening talks between the parties and deploying several hundred monitors and security forces to the region, as well as by recognizing the need for a far larger force with a broader mandate.

(18) Despite the threat of international action expressed through United Nations Security Council Resolution 1556 of July 30, 2004, the Government of Sudan continues to obstruct and prevent efforts to reverse the catastrophic consequences that loom over Darfur.

SEC. 4. SENSE OF CONGRESS REGARDING THE CONFLICT IN DARFUR, SUDAN.

(a) SUDAN PEACE ACT.—It is the sense of Congress that the Sudan Peace Act (50 U.S.C. 1701 note) remains relevant and should be extended to include the Darfur region of Sudan.

(b) ACTIONS TO ADDRESS THE CONFLICT.—It is the sense of Congress that—

(1) a legitimate countrywide peace in Sudan will only be possible if the principles of the Machakos Protocol of 2002 and the Nairobi Declaration on the Final Phase of Peace in the Sudan signed June 5, 2004, negotiated with the SPLM, apply to all of Sudan and to all of the people of Sudan, including the Darfur region;

(2) the parties to the N'Djamena Agreement (the Government of Sudan, the SLA, and the JEM) must meet their obligations under that Agreement to allow safe and immediate access of all humanitarian assistance throughout the Darfur region and must expedite the conclusion of a political agreement to end the conflict in Darfur;

(3) the United States should continue to provide humanitarian assistance to the areas of Sudan to which the United States has access and, at the same time, develop a plan similar to that described in section 10 of the Sudan Peace Act to provide assistance to the areas of Sudan to which United States access has been obstructed or denied;

(4) the international community, including African, Arab, and Muslim nations, should immediately provide resources necessary to save the lives of hundreds of thousands of individuals at risk as a result of the Darfur crisis;

(5) the United States Ambassador-at-Large for War Crimes should travel to Chad and the Darfur region immediately to investigate war crimes and crimes against humanity to develop a more accurate portrayal of the situation on the ground and to better inform the report required in section 11(b) of the Sudan Peace Act;

(6) the United States and the international community should—

(A) provide all necessary means to assist in the immediate deployment of a contingent of 4,200 African Union forces as recommended by the United Nations and to sustain such forces; and

(B) work to increase the authorized level and expand the mandate of such forces commensurate with the gravity and scope of the problem in a region the size of France;

(7) the President should use all means to facilitate a comprehensive solution to the conflict in Sudan, including by directing the United States Permanent Representative to the United Nations to pursue a resolution of the United Nations Security Council that—

(A) condemns the actions of the Government of Sudan in engaging in an orchestrated campaign of ethnic cleansing in Darfur;

(B) calls on the Government of Sudan to cease support of ethnic cleansing and the killing of innocent civilians, disarm the Janjaweed militias, prevent such militias from harassing and killing civilians, and ensure immediate access for all humanitarian assistance to all areas of Darfur;

(C) calls on all parties to the conflict in the Darfur region to permit unimpeded delivery of humanitarian assistance directly to Darfur, in particular to allow such assistance to cross directly from countries that border Sudan;

(D) calls on the Government of Sudan to provide all assistance possible, including release of its strategic food reserves, to respond to the Darfur crisis;

(E) calls on the international community, particularly those countries with strong economic ties to Sudan, to expedite the provision of humanitarian assistance to Darfur;

(F) authorizes the African Union Mission in Sudan (AUMIS) now deploying to the Darfur region of Sudan, and calls for the expansion of such force, and extension of the force's mandate to include protection of civilians;

(G) establishes an international commission of inquiry to examine the actions and accountability of those responsible for war crimes and crimes against humanity in the Darfur region; and

(H) confirms the right of all displaced Sudanese to return to their villages under safe and secure conditions;

(8) an international commission of inquiry should be established to conduct an investigation of atrocities in the Darfur region and to preserve evidence of atrocities for use in the prosecution of those responsible for war crimes and crimes against humanity;

(9) sanctions should be imposed on the assets and activities of those Sudanese Government officials and other individuals that are involved in carrying out the policy of ethnic cleansing in the Darfur region;

(10) the Government of the United States should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to, and takes demonstrable steps to implement, peace agreements for all areas of Sudan, including Darfur; and

(11) Presidential Proclamation 6958 issued November 22, 1996, which suspends entry into the United States of members of the Government of Sudan, officials of that Government, and members of the Sudanese Armed Forces, should continue to remain in effect and be strictly enforced.

SEC. 5. AMENDMENTS TO THE SUDAN PEACE ACT.

(a) ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.—

(1) IN GENERAL.—The Sudan Peace Act (50 U.S.C. 1701 note) is amended by adding at the end the following new section:

"SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) HUMANITARIAN ASSISTANCE.—There is authorized to be appropriated to the President for assistance to address the humanitarian and human rights crisis in the Darfur region and its impact on eastern Chad, pursuant to the authority in section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292), \$200,000,000 for fiscal year 2005, in addition to any other funds otherwise available for such purpose.

"(2) ADDITIONAL ASSISTANCE.—Subject to subsections (b) and (c), there is authorized to be appropriated to the President, for assistance for Sudan upon the conclusion of a North-South peace agreement, \$100,000,000 for fiscal year 2005 in addition to any other funds otherwise available for such purpose.

"(3) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) or (2) are authorized to remain available until expended, notwithstanding any other provision of law other than the provisions in this section.

"(b) REQUIREMENT FOR CERTIFICATION.—The assistance authorized under subsection (a)(2) may be provided to the Government of Sudan only if the President submits the certification described in subsection (c).

"(c) CERTIFICATION FOR THE GOVERNMENT OF SUDAN.—The certification referred to in

subsection (b) is a certification submitted by the President to the appropriate congressional committees that the Government of Sudan has taken demonstrable steps to—

“(1) ensure that the armed forces of Sudan and any associated militias are not attacking civilians or obstructing human rights monitors or the provision of humanitarian assistance;

“(2) demobilize and disarm militias supported or created by the Government of Sudan;

“(3) allow full and unfettered access for the provision of humanitarian assistance to all regions of Sudan, including Darfur; and

“(4) cooperate fully with the African Union, the United Nations, and all other observer, monitoring, and protection missions mandated to operate in Sudan.

“(d) **SUSPENSION OF ASSISTANCE.**—If, on a date after the President submits the certification described in subsection (c), the President determines that the Government of Sudan—

“(1) has ceased taking the actions described in such subsection, the President shall immediately suspend the provision of any assistance to such Government until the date on which the President certifies that the Government of Sudan has resumed taking such actions; or

“(2) has not shown good faith in working to establish sustainable peace in all parts of Sudan, including but not limited to the Darfur region, the President may suspend all assistance until such time as these expectations are met.”.

(b) **REPORTING REQUIREMENT.**—Section 8 of the Sudan Peace Act (50 U.S.C. 1701 note) is amended in the first sentence by striking “Sudan.” and inserting “Sudan, including the conflict in the Darfur region.”.

SEC. 6. OTHER RESTRICTIONS.

(a) **BLOCKING OF ASSETS.**—On the date that is 120 days after the date of enactment of this Act, if the President has not submitted the certification described in subsection (c) of section 12 of the Sudan Peace Act, as added by section 5, the President shall, consistent with the authorities granted in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of appropriate senior officials of the Government of Sudan.

(b) **CONTINUATION OF RESTRICTIONS.**—Restrictions against the Government of Sudan that were imposed pursuant to title III and sections 508, 512, and 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (Division D of Public Law 108-199; 118 Stat. 143) shall remain in place until the President makes the certification described in subsection (c) of section 12 of the Sudan Peace Act, as added by section 5.

SEC. 7. REQUIREMENT FOR REPORT.

(a) **REQUIREMENT.**—Not later than 60 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report on the planned United States response to a comprehensive peace agreement for Sudan.

(b) **CONTENT.**—The report required by subsection (a) shall include—

(1) a description of the planned United States response to a modified peace process between the Government of Sudan and the SPLM that would account for the implementation of a peace in all regions of Sudan, in particular Darfur; and

(2) a contingency plan for extraordinary humanitarian assistance should the Government of Sudan continue to obstruct or delay the international humanitarian response to the crisis in Darfur.

(c) **FORM OF REPORT.**—The report required by subsection (a) may be submitted in classified form.

SEC. 8. TECHNICAL CORRECTION.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f-2) is amended by striking “Organization of African Unity” and inserting “African Union”.

Mr. BIDEN. Mr. President, today Senator LUGAR and I, along with several other colleagues, introduce a bill that is designed to increase pressure on the government of Sudan to stop its campaign of genocide in Darfur.

There is now—at least in the U.S. Government—no dispute that genocide has occurred in Darfur. The Congress so stated by resolution in July. Today, in testimony to the Committee on Foreign Relations, the Secretary of State affirmed that “genocide has been committed in Darfur” and that the Government of Sudan and the janjaweed militia bear responsibility for it.

The situation in Darfur is dire. As many as 50,000 black Africans have been killed. Sexual violence is routinely used as a weapon by the Sudanese-sponsored janjaweed militia. Over a million people are displaced from their homes. And, because the Sudanese government refused to allow unrestricted access to war-affected populations at the onset of this crisis—a crisis of the government’s making—hundreds of thousands of people are likely to die by the end of the year.

Unless we act quickly and decisively to stop the violence in Darfur, history is going to judge us harshly for our lack of action. It may already be too late to avoid the condemnation of future generations.

On July 30, following UN Secretary General Kofi Annan’s visit to Sudan, the United Nations Security Council passed resolution 1556. The resolution was, in my view, inadequate. It provided an arms embargo and travel ban against the janjaweed, but did little to pressure the very government sponsoring the militia. The resolution provided only a vague threat to apply the sanctions to the government of Sudan if it failed to take certain steps, including ending all restrictions on humanitarian workers, investigating and punishing human rights abuses, immediately beginning disarmament of the janjaweed, and resuming talks with the rebels. Sudan was given 30 days to comply.

Sudan has not satisfied the conditions for the resolution. On September 2, the Secretary General’s Special Representative to Sudan reported to the Security Council that the government of Sudan has not taken any steps to disarm the janjaweed or improve security of internally displaced persons.

The administration’s response was to propose a new draft UN resolution yesterday. Unfortunately, this resolution only delays a decision about whether or not to impose sanctions for another 30 days. It does not label what is happening in Khartoum as genocide, although it does call upon the Secretary General to establish a commission of inquiry into violations of international humanitarian law and human rights. It

does not call for a chapter 7 peacekeeping mission in Darfur, and it does not call for an expansion of the mandate of the African Union Mission in Sudan.

I believe the Congress must do its part to pressure the government of Sudan, and to provide additional tools to the Administration.

On July 21, Senator DEWINE and I introduced S. 2705, which was aimed at pressuring the government of Sudan to fulfill commitments it made to the UN. On July 22, the chairman of the Committee on Foreign Relations, Senator LUGAR, also introduced a bill on Sudan, S. 2720. It had the same objective, though its provisions were different from the Biden-DeWine bill in several respects.

Over the recess, the chairman and I worked together to develop a joint bill. I believe it is important that the committee speak with one voice on the genocide in Darfur. I also recognize that this late in the congressional session, most legislation will require unanimous consent to pass. So I hope our joint effort will prove successful.

The bill we introduce today authorizes \$200 million in humanitarian assistance for Darfur. It holds out the promise of \$100 million in assistance for Sudan in connection with a peace agreement between the government and rebels in the south, but only if the President certifies that Khartoum takes demonstrable steps that it has stopped attacking civilians, disarmed the janjaweed and allowed unfettered access to Darfur for humanitarian workers. If the President cannot make this certification within 120 days, the bill requires that the President block the assets of senior members of the government of Khartoum.

The bill does not go as far as I would have liked. The Biden-DeWine bill provided additional resources to implement a north-south peace agreement as an incentive to the Khartoum government, and it provided for additional sanctions, including those sanctions already set forth in the Sudan Peace Act. But I have agreed to join with the chairman to take this intermediate action.

I want to make clear that this bill should only be considered a first step. If the tragedy in Darfur continues, and if Khartoum continues to ignore the demands of the international community that it cease the violence in Darfur, I intend to introduce stronger legislation next year.

Today the Secretary of State spoke clearly, for all the world to hear—genocide has occurred in western Sudan. Hundreds of thousands of lives are on the line. We cannot say we were not warned. We cannot say we did not know. We cannot say that we lacked the means to respond. We are obligated, by the Genocide Convention and our collective conscience, to act to assist the people suffering and to prevent further violence. Immediate support for the African Union is necessary, but

not sufficient to respond to the situation in Darfur. In addition, we need to press for a UN resolution that authorizes a multilateral force with a mandate to protect civilians. We also should look outside Africa for military and logistical assistance, rather than relying solely on the African Union.

What is occurring in Darfur is a travesty. Our response has not been commensurate with the suffering there. It is imperative that the United States and the international community increase assistance to the displaced, and increase pressure on the government of Sudan to take action.

By Mr. FEINGOLD:

S. 2783. A bill to clarify conditions for the interceptions of computer trespass communications under the USA-PATRIOT Act; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I am pleased to introduce the Computer Trespass Clarification Act of 2004, which would amend and clarify section 217 of the USA-PATRIOT Act. Section 217 addresses the interception of computer trespass communications. This bill would modify existing law to more accurately reflect the intent of the provision, and also protect against invasions of privacy.

Section 217 was designed to permit law enforcement to assist computer owners who are subject to denial of service attacks or other episodes of hacking. The original Department of Justice draft of the bill that later became the PATRIOT Act included this provision. A section-by-section analysis provided by the Department on September 19, 2001, stated the following:

Current law may not allow victims of computer trespassing to request law enforcement assistance in monitoring unauthorized attacks as they occur. Because service providers often lack the expertise, equipment, or financial resources required to monitor attacks themselves as permitted under current law, they often have no way to exercise their rights to protect themselves from unauthorized attackers. Moreover, such attackers can target critical infrastructures and engage in cyberterrorism. To correct this problem, and help to protect national security, the proposed amendments to the wiretap statute would allow victims of computer attacks to authorize persons "acting under color of law" to monitor trespassers on their computer systems in a narrow class of cases.

I strongly supported the goal of giving computer system owners the ability to call in law enforcement to help defend themselves against hacking. Including such a provision in the PATRIOT Act made a lot of sense. Unfortunately, the drafters of the provision made it much broader than necessary, and refused to amend it at the time we debated the bill in 2001. As a result, the law now gives the government the authority to intercept communications by people using computers owned by others as long as they have allegedly engaged in some unauthorized activity on the computer, and the owner gives

permission for the computer to be monitored.

Only people who have a "contractual relationship" with the owner allowing the use of a computer are exempt from the definition of a computer trespasser under section 217 of the PATRIOT Act. Many people—for example, college students, patrons of libraries, Internet cafes or airport business lounges, and guests at hotels—use computers owned by others with permission, but without a contractual relationship. They could end up being the subject of government snooping if the owner of the computer gives permission to law enforcement.

My bill would clarify that someone who has been given permission to use a computer by the owner or operator of that computer is not a computer trespasser. It would bring the existing computer trespass provision in line with the purpose of section 217 as expressed in the Department of Justice's initial explanation of the provision. Section 217 was intended to target only a narrow class of people: unauthorized cyberhackers. It was not intended to give the government the opportunity to engage in widespread surveillance of computer users without a warrant.

We don't know, of course, whether such surveillance is taking place. Unless criminal charges are brought against someone as a result of such surveillance, there would never be any notice at all that the surveillance has taken place. The computer owner authorizes the surveillance, and the FBI carries it out. There is no warrant, no court proceeding, no opportunity even for the subject of the surveillance to challenge the assertion of the computer owner that some unauthorized use of the computer has occurred.

The Computer Trespass Clarification Act would modify the computer trespass provision to protect against abuse, while still maintaining its usefulness in cases of denial of service attacks and other forms of hacking.

First, it would require that the owner or operator of the protected computer authorizing the interception has been subject to "communications activity that threatens the integrity or operation of such computer." In other words, the owner has to be the target of some kind of hacking.

Second, the bill would clarify that to be excluded from the definition of computer trespasser, a person who has permission to use a computer does not need to have a contractual relationship granting that permission.

Third, the bill limits the length of warrant-less surveillance to 96 hours. This is twice as long as is allowed for an emergency wiretap. With four days of surveillance, it should not be difficult for the government to gather sufficient evidence of wrongdoing to obtain a warrant if continued surveillance is necessary.

In addition, the bill would require the Attorney General to annually report on the use of Section 217 to the Senate and House Judiciary Commit-

tees. Section 217 is one of the provisions that is subject to the sunset provision in the PATRIOT Act and will expire at the end of 2005. We in the Congress need to do more oversight of the use of this and other provisions of the PATRIOT Act in order to evaluate their effectiveness.

The computer trespass provision now in the law as a result of section 217 of the PATRIOT Act leaves open the possibility for significant and unnecessary invasions of privacy. The reasonable and modest changes to the provision contained in this bill preserve the usefulness of the provision for investigations of cyberhacking, but reduce the possibility of abuse. We must continually seek to balance the need for effective tools to fight crime and terrorism and the civil liberties of our citizens. The Computer Trespass Clarification Act strikes the right balance and I urge my colleagues to support it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Computer Trespass Clarification Act of 2004".

SEC. 2. AMENDMENTS TO TITLE 18.

(a) DEFINITIONS.—Section 2510(21)(B) of title 18, United States Code, is amended by—

(1) inserting "or other" after "contractual"; and

(2) striking for "for access" and inserting "permitting access".

(b) INTERCEPTION AND DISCLOSURE.—Section 2511(2)(i) of title 18, United States Code, is amended—

(1) in clause (I), by inserting after "the owner or operator of the protected computer" the following: "is attempting to respond to communications activity that threatens the integrity or operation of such computer and requests assistance to protect rights and property of the owner or operator, and"; and

(2) in clause (IV), by inserting after "interception" the following: "ceases as soon as the communications sought are obtained or after 96 hours, whichever is earlier, unless an interception order is obtained under this chapter, and";

(c) REPORT.—The Attorney General shall annually report to the Committees on the Judiciary of the Senate and the House of Representatives on the use of section 2511 of title 18, United States Code, relating to computer trespass provisions as amended by subsection (b).

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2785. A bill to amend title 4 of the United States Code to prohibit the double taxation of telecommuters and others who work at home; to the Committee on Finance.

Mr. DODD. Mr. President, I am pleased to rise today, together with my colleague Senator LIEBERMAN, to introduce The Telecommuter Tax Fairness Act of 2004.

The Telecommuter Tax Fairness Act of 2004 will put an end to an outdated

legal doctrine that unfairly penalizes thousands of workers in Connecticut and in other States throughout the country whose only offense is that they sometimes work from home.

Technology has changed the way business is conducted in America. With the use of cell phones, lap-top computers, email, the Internet, mobile networking, and many other telecommunication advancements of the 21st century, Americans have a greater flexibility in where they can work without compromising productivity. Many citizens now choose to work from home or alternative offices when their physical presence is not necessary at their primary place of work.

Telecommuting provides enormous benefits for businesses, families, and communities. It helps businesses lower costs and raise worker productivity. It reduces congestion on our roads and rails, and in so doing it lowers pollution. It helps workers better manage the demands of work and family. And last but not least, it can mean lower income taxes.

Yet, the many benefits to workers of telecommuting are today placed in jeopardy because of current law in New York. Today, New York State requires that workers pay income tax on income even if it is not earned in the State through their "convenience of the employer" rule. While there are several States that have the "convenience of the employer" rule, no other State applies it with the same rigor as New York.

New York's "convenience of the employer" rule requires that by working for a New York employer, all income earned from that employer must be declared in New York so long as the worker "could" perform his or her duties in New York. A worker for a New York employer who works part-time from home in Connecticut or another State is still subject to taxation by New York on 100 percent of his or her income. At the same time, the work done by that worker in a State outside New York is subject to taxation by that State.

This unfairly subjects many workers who telecommute from their homes or from satellite offices outside of New York to a double tax on that part of the income earned from home. According to Connecticut's Attorney General, thousands of Connecticut residents alone are affected by this unfair double taxation.

This potential for double taxation is not only unfair, but it is an incentive for workers not to telecommute, when what we should be doing is providing an incentive to encourage telecommuting.

Legislation is needed to protect these honest workers who deserve fair and equitable treatment under the law. The Telecommuter Tax Fairness Act of 2004 does this specifically by preventing a state from engaging in the current fiction of deeming a nonresident to be in the taxing State when the nonresident

is actually working in another State. In doing so, it will eliminate the possibility that citizens will be double-taxed when telecommuting.

Establishing a "physical presence" test—as this legislation would do—is the most logical basis for determining tax status. If a worker is in a State, and taking advantage of that State's infrastructure, the worker should pay taxes in that State.

Some suggest that the double-taxation quandary can easily be fixed by having other States provide a tax credit to those telecommuters. However, why should Connecticut, or any other State, be required to allow a credit on income actually earned in the State? If a worker is working in Connecticut, he or she is benefiting from a range of services paid for and maintained by Connecticut including roads, water, police, fire protection, and communications services. It's only fair that Connecticut ask that worker to help support the services that he or she uses.

This is not just an issue which deals with a small group of citizens from one small State. Rather, this is an issue which affects workers all over the country. It will only grow more pressing as people and businesses continue to seek to take advantage of new technologies that affect the way we live and work.

I hope our colleagues will favorably consider this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telecommuter Tax Fairness Act of 2004".

SEC. 2. PROHIBITION ON DOUBLE TAXATION OF TELECOMMUTERS.

(a) IN GENERAL.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following new section:

"§ 127. Prohibition on double taxation of telecommuters and others who work at home

"(a) PHYSICAL PRESENCE REQUIRED.—

"(1) IN GENERAL.—In applying its income tax laws to the salary of a nonresident individual, a State may only deem such nonresident individual to be present in or working in such State for any period of time if such nonresident individual is physically present in such State for such period and such State may not impose nonresident income taxes on such salary with respect to any period of time when such nonresident individual is physically present in another State.

"(2) DETERMINATION OF PHYSICAL PRESENCE.—For purposes of determining physical presence, no State may deem a nonresident individual to be present in or working in such State on the grounds that such nonresident individual is present at or working at home for the nonresident individual's convenience.

"(b) DEFINITIONS.—As used in this section—

"(1) STATE.—The term 'State' includes any political subdivision of a State, the District

of Columbia, and the possessions of the United States.

"(2) INCOME TAX.—The term 'income tax' has the meaning given such term by section 110(c).

"(3) INCOME TAX LAWS.—The term 'income tax laws' includes any statutes, regulations, administrative practices, administrative interpretations, and judicial decisions.

"(4) NONRESIDENT INDIVIDUAL.—The term 'nonresident individual' means an individual who is not a resident of the State applying its income tax laws to such individual.

"(5) SALARY.—The term 'salary' means the compensation, wages, or other remuneration earned by an individual for personal services performed as an employee or as an independent contractor.

"(c) NO INFERENCE.—Nothing in this section shall be construed as bearing on—

"(1) any tax laws other than income tax laws,

"(2) the taxation of corporations, partnerships, trusts, estates, limited liability companies, or other entities, organizations, or persons other than nonresident individuals in their capacities as employees or independent contractors,

"(3) the taxation of individuals in their capacities as shareholders, partners, trust and estate beneficiaries, members or managers of limited liability companies, or in any similar capacities, and

"(4) the income taxation of dividends, interest, annuities, rents, royalties, or other forms of unearned income."

(b) CLERICAL AMENDMENT.—The table of sections of such chapter 4 is amended by adding at the end the following new item:

"127. Prohibition on double taxation of telecommuters and others who work at home."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 420—RECOMMENDING EXPENDITURES FOR AN APPROPRIATE VISITORS CENTER AT LITTLE ROCK CENTRAL HIGH SCHOOL NATIONAL HISTORIC SITE TO COMMEMORATE THE DESEGREGATION OF LITTLE ROCK CENTRAL HIGH SCHOOL

Mr. PRYOR (for himself and Mrs. LINCOLN) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 420

Whereas the United States recognizes that in September 1957, 9 young students changed the course of American history by claiming the right to receive an equal education;

Whereas Ernest Green, Elizabeth Eckford, Jefferson Thomas, Terrence Roberts, Carlotta Walls, Minnijean Brown, Gloria Ray, Thelma Mothershed, and Melba Pattillo, known as the "Little Rock Nine", and their parents had the courage necessary to break the bonds of prejudice and desegregation and venture onto the world stage, with full knowledge of the perils and complexities inherent in their endeavor;

Whereas despite their effort to enroll at Little Rock Central High School and receive an education, the Little Rock Nine were met with severe adversity;

Whereas Little Rock Central High School became not only a crucial battleground in

the struggle for civil rights, but symbolic of the United States Government's commitment to eliminating separate systems of education for African-Americans and Caucasians;

Whereas the enrollment of the Little Rock Nine was recognized by Dr. Martin Luther King, Jr. as such a significant event in the struggle for civil rights that he attended the graduation of the first African-American from Little Rock Central High School;

Whereas the sacrificial accomplishments that were made in September 1957 have continuing benefits for the United States today;

Whereas the United States will always revere the accomplishments that 9 young high school students made by showing the Nation and the world that "all men are created equal" and the rule of law is paramount in the democracy of the United States;

Whereas the Little Rock Nine were forced to obtain the blessings of liberty that are inherent in the United States Constitution through the intervention of the judicial branch and executive branch of the United States Government;

Whereas existing visitor facilities at Little Rock Central High School are inadequate, resulting in limited opportunities for citizens to learn about civil rights and our Nation's heritage; and

Whereas the legislative branch of the United States Government has the opportunity to appropriately commemorate the legacy that these heroic individuals left by fully funding the design and construction of an informative memorial: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the courage displayed by the Little Rock Nine should be commemorated as an example of American sacrifice through extreme adversity;

(2) Congress should fully fund the design and construction of a visitor center at Little Rock Central High School National Historic Site; and

(3) the new facilities should open by September 2007 in order to commemorate the 50th anniversary of the historic events that occurred at Little Rock Central High School.

Mr. PRYOR. Mr. President, this year marks the 50th anniversary of Brown v. The Board of Education of Topeka, Kansas, easily one of the most significant legal decisions in American history. But today I want to talk about another anniversary that is rapidly approaching, and that is an anniversary that flows directly from the Brown decision. I am speaking of the Little Rock Central High desegregation crisis which occurred in 1957. The 50th anniversary will be here in a couple of years, 2½ years, in 2007.

I come to the floor today to speak on behalf of the so-called Little Rock Nine and to share their story of determination and opportunity. I come to the floor also to urge my colleagues to join me in this effort to help fully support the planned Little Rock Central High Museum and Visitors Center and get it back on track so it will be up and running to host the 50th anniversary of the Little Rock Central High crisis.

Let me remind my colleagues that it is just as important today that we spend time understanding the civil rights struggle and the civil rights movement in this country as it was in 1957. I am thrilled to have the support, the encouragement, and the assistance

of the Congressional Black Caucus chairman, Elijah Cummings.

As you know, Brown did not erase the hatred and the prejudice that Black families face in this country. One of the most dramatic examples of that occurred on September 24, 1957, when President Dwight Eisenhower ordered Federal troops to Little Rock, AR, to allow nine Black children to attend the all-White Little Rock Central High School.

In fact, if one looks back on 1957, the two largest world news stories that year were Sputnik and the events surrounding Central High School in Little Rock. The Little Rock Nine changed the course of American history by claiming their right to receive an equal education.

These students were Ernest Green, Elizabeth Eckford, Gloria Ray Karlmark, Carlotta Walls Lanier, Minnijean Brown Trickey, Terrence Roberts, Jefferson Thomas, Thelma Mothershed Wair, and Melba Pattillo Beals.

Of her experience, Melba Pattillo Beals recalls:

I had to become a warrior. I had to learn not how to dress the best, but how to get from that door to the end of the hall without dying.

These are very serious times. Another one of the Little Rock Nine, Ernest Green, explains why the Little Rock Nine sacrificed their innocence for a chance at a better education. He said:

We wanted to widen options for ourselves and later for our children.

Well, Mr. Green went on to become the first black student to graduate from Arkansas Central High. He later served as Assistant Secretary of Housing and Urban Affairs under President Jimmy Carter and as vice president of Lehman Brothers.

Without his courage and determination and those of the Little Rock Nine in 1957, those opportunities would never have been available to him.

Turning opportunity into achievement is what civil rights pioneer Daisy Bates had in mind for the Little Rock Nine when she encouraged them to do the unthinkable. As a story, Little Rock Central High has all the elements of a great story, starting with the premise in the Declaration of Independence where it says all men are created equal.

Those words, penned by Thomas Jefferson, resonate throughout American history, but in 1954 the U.S. Supreme Court came down with the Brown decision where it said that separate but equal is not constitutional, and we need to change our American educational system "with all deliberate speed."

There was a Governor in my State who was committed to States rights, and he was determined to stop any changes at Little Rock Central. There was a President who was seeing his duty as one of having to enforce Federal law even against a State's will.

There was a nation torn apart by race and searching for a new and sound public policy and public philosophy for civil rights for all Americans. There was a city, a State, and a region that got caught up in the events, and the emotions of the times, and there were dozens of local leaders who were working at odds and at cross-purposes, many with their own personal and political agendas, some trying to build and some trying to destroy.

Then, of course, in the center of the hurricane there were the nine black children, showing superhuman courage, facing incalculable odds but striking a severe blow at one of the worst injustices in American history.

I recommend to my colleagues that if they want to read more about this crisis, they can read Harry Ashmore's history of Arkansas, or Roy Reed's "Faubus." Both give an excellent coverage.

Little Rock Central High School today is a symbol. It at the same time symbolizes the best and the worst in American history. It simultaneously stands as a living monument to our dark past and to our bright future. It also stands for progress because Little Rock Central High School has been a remarkable school since 1957. It is consistently acknowledged as one of the best American high schools that we have in this country today.

In fact, I had the privilege in the late 1970s of attending Little Rock Central High School. I think I am the only Member of Congress who actually went to that school. I am very proud of being there and proud of all of the things that school stands for.

Little Rock Central High was designated as a unit of the National Park Service in 1998. In fact, in 2002 more than 24,000 people visited this historic site. They expect probably 60,000 by the year 2007. Unfortunately, the interim visitors center is only 500 square feet. One can slice it or dice it however they want to say it, but it is simply too small to house the significant history there and tell all the stories. In fact, if it was jam packed, it would only have room for about 35 people.

I was there for the 40th anniversary of the Central High crisis when President Bill Clinton and Governor Mike Huckabee symbolically opened the door for the Little Rock Nine. We are going to have another commemoration in 2007, the 50th anniversary of the crisis. I want to invite my colleagues to help join me in making sure we get the extra \$5.8 million necessary to make this museum and visitors center a reality.

The last thing I would like to say is it took nine young high school students to prove to our Nation that all men are created equal and that the rule of law is paramount in democracy of the United States. Today, children all over America have the right to learn because of the courage and sacrifice the Little Rock Nine made, and I am here today asking for my colleagues to help us all recognize what

the Little Rock Nine did and acknowledge them by allowing this visitors center to be built.

I am submitting a resolution as we speak, and I ask my colleagues to sign on if they would like to. Also, I ask unanimous consent that Senator LINCOLN be added as the first original cosponsor.

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

SENATE RESOLUTION 421—EXPRESSING OUTRAGE AT THE RECENT TERRORIST ATROCITIES IN BESLAN, RUSSIAN FEDERATION, AND CONDOLENCES TO THE FAMILIES OF THE FAMILIES

Mr. DASCHLE (for himself, Mr. BIDEN, Mr. SANTORUM, Mr. MCCONNELL, and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

Whereas on Wednesday, September 1, 2004, a group of approximately 30 terrorists took control of School No. 1, located in Beslan, North Ossetia, Russian Federation, and held approximately 1,200 Russians hostage;

Whereas the terrorists reportedly infiltrated the school and stockpiled weapons and explosives during the ongoing renovation of the school;

Whereas the terrorists held the captives for more than 50 hours, and denied the captives, including the children, access to food, water, and medicine;

Whereas the terrorists rigged the school with explosives, including a large bomb in the center of the gymnasium where the hostages were being held, and strapped suicide bombs to themselves;

Whereas children, parents, and teachers who attempted to flee, or to assist the hostages that attempted to escape, were shot by the terrorists;

Whereas on September 3, 2004, Russian troops and the Beslan hostage-takers exchanged gun fire, a bomb exploded that collapsed the roof of the school, the terrorists began killing the hostages, and massive loss of life ensued;

Whereas this horrendous terrorist action left more than 300 people dead, many of them children, as well as hundreds more who are severely wounded or unaccounted for;

Whereas the Russian people, as a result of this and other attacks in recent weeks, have experienced incredible loss and are experiencing immense grief as they begin the process of burying their loved ones killed by the actions of these terrorists; and

Whereas the United States has sent medical supplies and has offered its moral support to the Russian people in response to the terrorist attack at School No. 1: Now, therefore, be it

Resolved, That the Senate—

(1) condemns in the strongest possible terms this despicable act;

(2) expresses its condolences to the Russian people and in particular to those families who lost loved ones in the Beslan school tragedy; and

(3) commends the efforts of the United States Government to provide humanitarian and medical assistance to the people of the Russian Federation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3594. Mrs. MURRAY submitted an amendment intended to be proposed by her

to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table.

SA 3595. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3596. Mrs. MURRAY (for herself, Mr. NELSON, of Florida, Mrs. CLINTON, Mr. SCHUMER, Ms. MIKULSKI, Mr. KENNEDY, Mrs. BOXER, Ms. CANTWELL, Mr. GRAHAM, of Florida, Ms. LANDRIEU, Mr. DODD, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra.

SA 3597. Mr. BYRD (for himself, Mr. LEAHY, Mr. REID, Mrs. CLINTON, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. LIEBERMAN, Mr. KENNEDY, and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, supra.

SA 3598. Mr. ENSIGN (for himself, Mr. BOND, Mr. REID, Mr. KYL, Mr. CORNYN, Mrs. HUTCHISON, Mr. CORZINE, Mr. NELSON, of Florida, Mr. CHAMBLISS, Mr. MILLER, Mr. GRAHAM, of Florida, Mr. BURNS, Mr. ROBERTS, Mrs. FEINSTEIN, Mrs. BOXER, Mrs. CLINTON, Mr. WARNER, Mr. DURBIN, Ms. LANDRIEU, Mr. CAMPBELL, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3599. Mr. ALEXANDER (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3600. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3601. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3602. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3603. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3604. Mr. DODD (for himself, Ms. STABENOW, Mr. KENNEDY, Mr. LEVIN, Mr. DASCHLE, and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, supra.

SA 3605. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3606. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3607. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) proposed an amendment to the bill H.R. 4567, supra.

SA 3608. Mr. ALEXANDER (for himself, Mr. COLEMAN, Mr. ENSIGN, Mr. ENZI, Mr. ALLEN, Mr. BUNNING, Mr. SCHUMER, and Ms. LANDRIEU) proposed an amendment to the bill H.R. 4567, supra.

SA 3609. Mrs. BOXER (for herself, Mrs. FEINSTEIN, Mr. REID, Mr. LEVIN, Mrs. CLINTON, Mr. ROCKEFELLER, and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, supra.

SA 3610. Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra.

SA 3611. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3612. Mr. HARKIN (for himself and Mr. BIDEN) proposed an amendment to the bill H.R. 4567, supra.

SA 3613. Mr. VOINOVICH (for himself, Ms. SNOWE, Mr. HARKIN, Mr. DEWINE, Mr. FEINGOLD, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3614. Ms. COLLINS (for herself and Mr. PRYOR) submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3615. Mr. SCHUMER (for himself, Mrs. CLINTON, and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, supra.

TEXT OF AMENDMENTS

SA 3594. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, line 7, strike “not to exceed 10 percent of”.

SA 3595. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. Of the amount appropriated by title II for the Office of the Under Secretary for Border and Transportation Security under the heading “AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT”, \$5,000,000 shall be available for a pilot project to test interoperable communications between the first Northern Border Air Wing, Bellingham, Washington, and local law enforcement personnel.

SA 3596. Mrs. MURRAY (for herself, Mr. NELSON, of Florida, Mrs. CLINTON, Mr. SCHUMER, Ms. MIKULSKI, Mr. KENNEDY, Mrs. BOXER, Ms. CANTWELL, Mr. GRAHAM, of Florida, Ms. LANDRIEU, Mr. DODD, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. The total amount appropriated by title III for the Office of State and Local Government Coordination and Preparedness under the heading “STATE AND LOCAL PROGRAMS” is hereby increased by \$300,000,000. Of such total amount, as so increased, \$1,500,000,000 shall be available for discretionary grants for use in high-threat, high-density urban areas, as determined by the Secretary of Homeland Security, of which \$450,000,000 shall be available for port security grants.

SA 3597. Mr. BYRD (for himself, Mr. LEAHY, Mr. REID, Mrs. CLINTON, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. LIEBERMAN, Mr. KENNEDY, and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland

Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place in the bill insert the following:

**TITLE VI—ADDRESSING KNOWN
VULNERABILITIES**

**OFFICE OF THE UNDER SECRETARY FOR
BORDER AND TRANSPORTATION SECURITY**

**CUSTOMS AND BORDER PROTECTION
SALARIES AND EXPENSES**

For an additional amount for "Customs and Border Protection, Salaries and Expenses", \$100,000,000, to remain available until September 30, 2006, of which not less than \$50,000,000 shall be for purchase and deployment of radiation portal monitors, and not less than \$50,000,000 shall be for staffing at the northern border in fulfillment of the USA PATRIOT Act and the Enhanced Border Security Act.

**IMMIGRATION AND CUSTOMS ENFORCEMENT
SALARIES AND EXPENSES**

For an additional amount for "Immigration and Customs Enforcement, Salaries and Expenses," \$11,000,000, to remain available until expended, for detentions and removals.

FEDERAL AIR MARSHALS

For an additional amount for the Federal Air Marshals, \$50,000,000.

**TRANSPORTATION SECURITY
ADMINISTRATION AVIATION SECURITY**

For an additional amount for necessary expenses of the Transportation Security Administration related to aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597), \$100,000,000, to remain available until expended, for activities related to screening passengers and carry-on baggage for explosives.

**TRANSPORTATION SECURITY ADMINISTRATION
MARITIME AND LAND SECURITY**

For an additional amount for necessary expenses of the Transportation Security Administration related to maritime and land transportation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597), \$4,000,000, for hazardous materials security grants.

**UNITED STATES COAST GUARD ACQUISITION,
CONSTRUCTION, AND IMPROVEMENTS**

For an additional amount for "Acquisition, Construction, and Improvements," \$324,000,000, to remain available until September 30, 2009, for the Integrated Deepwater Systems program.

**OFFICE OF STATE AND LOCAL GOVERNMENT
COORDINATION AND PREPAREDNESS**

STATE AND LOCAL PROGRAMS

For additional amounts for "State and Local Programs," \$665,000,000: Provided, That of the amounts made available under this heading: \$440,000,000 shall be for discretionary grants for use in high-threat, high-density urban areas as determined by the Secretary of Homeland Security; \$125,000,000 shall be for port security grants; and \$100,000,000 shall be for grants for interoperable communications equipment.

**SECURITY ENHANCEMENTS FOR HIGH-RISK NON-
PROFIT ORGANIZATIONS**

For discretionary assistance to non-profit organizations (as defined under section 501(c)(3) of the Internal Revenue Code of 1986) determined to be at high-risk of international terrorist attack, \$50,000,000.

MASS TRANSIT AND RAIL SECURITY

For necessary expenses related to mass transit, freight and passenger rail security grants, including security grants for AMTRAK, a backup communications facility for the Washington Area Metropolitan Transit Authority, security upgrades for various rail tunnels, research and development of rail security methods and technology, capital construction, and operating requirements, \$350,000,000.

FIREFIGHTER ASSISTANCE GRANTS

For an additional amount for "Firefighter Assistance Grants," \$46,000,000, to remain available until September 30, 2006.

**EMERGENCY PREPAREDNESS AND
RESPONSE**

FIREFIGHTER HIRING GRANTS

For activities authorized by section 34 of The Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$100,000,000, to remain available until expended.

**INFORMATION ANALYSIS AND
INFRASTRUCTURE PROTECTION
ASSESSMENTS AND EVALUATIONS**

For an additional amount for "Assessments and Evaluations", \$200,000,000, to remain available until September 30, 2006, of which \$100,000,000 shall be available for chemical facility security improvements; of which \$100,000,000 shall be available for grants to States, municipalities, or inter-municipal or interstate agencies for security improvements to address known vulnerabilities to water systems.

SA 3598. Mr. ENSIGN (for himself, Mr. BOND, Mr. REID, Mr. KYL, Mr. CORNYN, Mrs. HUTCHISON, Mr. CORZINE, Mr. NELSON of Florida, Mr. CHAMBLISS, Mr. MILLER, Mr. GRAHAM of Florida, Mr. BURNS, Mr. ROBERTS, Mrs. FEINSTEIN, Mrs. BOXER, Mrs. CLINTON, Mr. WARNER, Mr. DURBIN, Ms. LANDRIEU, Mr. CAMPBELL, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 10, line 25, strike "\$1,437,460,000" and all that follows through "presence" on page 11, line 3, and insert the following: "\$1,512,460,000 shall be for baggage screening activities, of which \$210,000,000 shall be available only for procurement of checked baggage explosive detection systems and \$75,000,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed \$796,890,000 shall be for airport security direction and enforcement presence, of which \$217,890,000 shall be available for airport information technology".

SA 3599. Mr. ALEXANDER (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SA 3600. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. (a) The Secretary of Homeland Security, acting through the Director of the Bureau of Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation, an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship for the Bureau of Citizenship and Immigration Services described in section 451(f)(2) of the Homeland Security Act of 2002 (6 U.S.C. 271(f)(2)).

(b) The United States Citizenship Foundation is authorized to solicit, accept, and make gifts of money and other property and to apply for status as an organization described in section 501(c)(3) of the Internal Revenue code of 1986 and exempt from taxation under section 501(a) of such Code.

(c) The Chief of the Office of Citizenship for the Bureau of Citizenship and Immigration Services, or such other official of the Department of Homeland Security as the Secretary of Homeland Security may direct, shall serve as a nonvoting member of the board of directors of the United States Citizenship Foundation and as the primary liaison between the Department of Homeland Security and the Foundation.

(d) For necessary expenses for the establishment of the United States Citizen Foundation, \$100,000, to remain available until September 30, 2006.

SA 3601. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, line 4, insert "Provided further, That each State, upon determining how grant funds provided under this heading will be allocated among units of local government within the State, shall notify each United States Senator and Member of Congress representing that State of such determination before making any public announcement of such grant allocations to units of local government:" after "Homeland Security:".

SA 3602. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, between lines 13 and 14, insert the following:

SEC. 101. (a) Not later than 180 days after the end of fiscal year 2005, the Secretary of Homeland Security shall submit a report to Congress that describes the articles, materials, and supplies acquired by the Department of Homeland Security during fiscal year 2005 that were manufactured outside of the United States.

(b) The report submitted under subsection (a) shall separately indicate—

(1) the dollar value of each of the articles, materials, and supplies acquired by the Department of Homeland Security that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of the total funds spent by the Department of Homeland Security on goods manufactured within the United States compared with funds spent by the Department of Homeland Security on goods manufactured outside of the United States.

(c) The Secretary of Homeland Security shall make the report submitted under this section publicly available to the maximum extent practicable.

SA 3603. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. (a) Congress finds that (1) there is a disproportionate number of complaints against the Transportation Security Administration for alleged violations of equal employment opportunity and veterans' preference laws as those laws apply to employment of personnel in airport screener positions in the Transportation Security Administration, and (2) there is a significant backlog of those complaints remaining unresolved.

(b)(1) Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the personnel policies of the Department of Homeland Security that apply to the employment of airport screeners in the Transportation Security Administration, particularly with regard to compliance with equal employment opportunity and veterans' preference laws.

(2) The report under this subsection shall include an assessment of the extent of compliance of the Transportation Security Administration with equal employment opportunity and veterans' preference laws as those laws apply to employment of personnel in airport screener positions in the Transportation Security Administration, a discussion of any systemic problems that could have caused the circumstances giving rise to the disproportionate number of complaints described in subsection (a), and the efforts of the Secretary of Homeland Security and the Under Secretary for Border and Transportation Security to eliminate the backlog of unresolved complaints and to correct any systemic problems identified in the report.

(3) In conducting the review necessary for preparing the report, the Comptroller General shall examine the experience regarding the airport screener positions at particular airports in various regions, including the Louis Armstrong New Orleans International Airport.

SA 3604. Mr. DODD (for himself, Ms. STABENOW, Mr. KENNEDY, Mr. LEVIN, Mr. DASCHLE, and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 19, line 17, strike "\$2,845,081,000" and insert "\$11,552,000,000".

On page 21, strike lines 14 through 20 and insert the following:

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a), to remain available until September 30, 2006, \$4,000,000,000, of which \$3,000,000,000 shall be available for necessary expenses for programs authorized by section 33 of such Act and \$1,000,000,000 shall be available for necessary expenses for programs authorized by section 34 of such Act: *Provided*, That not to exceed 5 percent of the amount provided for the programs under each such section shall be available for program administration.

On page 22, line 3, strike "\$180,000,000" and insert "\$660,000,000".

On page 28, line 21, strike "\$181,440,000" and insert "\$690,994,000".

On page 39, between lines 5 and 6, insert the following:

SEC. 515. The total amount appropriated by title III for the Office of the Under Secretary for Emergency Preparedness and Response under the headings "PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY", "ADMINISTRATIVE AND REGIONAL OPERATIONS", and "PUBLIC HEALTH PROGRAMS" is hereby increased by \$2,845,766,000.

SEC. 516. The Secretary of the Treasury shall take such action as is necessary to reduce benefits provided by the Economic Growth and Tax Relief Reconciliation Act of 2001 to individuals with an adjusted gross income of \$1,000,000 or more that will result in an increase in revenue sufficient to offset the increased funding provided for the first responder and other programs by this amendment.

SA 3605. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, line 15, strike the period and insert the following: "*Provided further*, That before a Federal agency approves a liquefied natural gas marine terminal, the Protective Security Division of the Directorate of Information Analysis and Infrastructure Protection of the Department of Homeland Security shall conduct a field assessment of the vulnerability of the proposed terminal site and devise a buffer zone protection plan for the proposed terminal and associated coastal waterways."

SA 3606. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 2, strike the period and insert "*Provided further*, That of the total amount provided, not less than \$4,750,000 shall be for the enforcement of the textile transshipment provisions provided for in chapter 5 of title III of the Customs Border Security Act of 2002 (Public Law 107-210; 116 Stat. 988 et seq.)."

On page 8, line 18, strike the period and insert "*Provided further*, That of the total amount provided for, not less than \$4,750,000 shall be for the enforcement of the textile transshipment provisions provided for in chapter 5 of title III of the Customs Border

Security Act of 2002 (Public Law 107-210; 116 Stat. 988 et seq.)."

SA 3607. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 25, lines 6 and 7, strike "\$2,151,000,000, to remain available until expended" and insert "\$2,221,000,000 to remain available until expended, of which \$70,000,000 is designated by Congress as an emergency requirement under section 502(c) of H. Con. Res. 95 (108th Cong.) and shall be made available for a grant to the American Red Cross for disaster relief, recovery expenditures, and emergency services in response to Tropical Storm Bonnie, Hurricane Charley, and Hurricane Frances".

SA 3608. Mr. ALEXANDER (for himself, Mr. COLEMAN, Mr. ENSIGN, Mr. ENZI, Mr. ALLEN, Mr. BUNNING, Mr. SCHUMER, and Ms. LANDRIEU) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 39, between lines 5 and 6, insert the following new section:

SEC. 515. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SA 3609. Mrs. BOXER (for herself, Mrs. FEINSTEIN, Mr. REID, Mr. LEVIN, Mrs. CLINTON, Mr. ROCKEFELLER, and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 19, line 17, strike "\$2,845,081,000" and all that follows through line 22, and insert the following: "\$2,915,081,000, which shall be allocated as follows:

"(1) \$970,000,000 for formula-based grants and \$470,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714), of which \$70,000,000 shall be used by States, units of local government, local law enforcement agencies, and local fire departments to purchase or improve communication systems to allow for real-time, interoperable communication between State and local first responders: *Provided*, That the amount appropriated under title I for the Human Resources Account of the Office of the Under Secretary for Management shall be reduced by \$70,000,000: *Provided further*, That".

SA 3610. Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. —. INVESTIGATION OF SHOCKOE CREEK DRAIN FIELD, RICHMOND, VIRGINIA.

As soon as practicable after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall

conduct an investigation of the Shockoe Creek drain field in Richmond, Virginia, to determine means of preventing future damage in that area from floods and other natural disasters.

SA 3611. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 5 and 6, insert the following:

SEC. 515. Notwithstanding any other provision of law, the fiscal year 2004 aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be \$30,000 and the total amount appropriated by title II under the heading "CUSTOMS AND BORDER PROTECTION SALARIES AND EXPENSES" is hereby reduced by \$1,000,000.

SA 3612. Mr. HARKIN (for himself and Mr. BIDEN) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . HAZARD MITIGATION.

Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended in the second sentence by striking "7.5 percent" and inserting "15 percent".

SA 3613. Mr. VOINOVICH (for himself, Ms. SNOWE, Mr. HARKIN, Mr. DEWINE, Mr. FEINGOLD, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 17, strike "\$245,579,000" and insert "\$221,579,000".

On page 13, line 18, strike "\$534,852,000" and insert "\$508,852,000".

On page 19, line 12, strike "\$25,000,000" and insert "19,000,000".

On page 22, line 3, strike "\$180,000,000" and insert "\$236,000,000".

SA 3614. Ms. COLLINS (for herself and Mr. PRYOR) submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, line 22, strike the colon and insert the following: " , of which \$50,000,000 shall be used for grants to identify, acquire, and transfer homeland security technology, equipment, and information to State and local law enforcement agencies:"

SA 3615. Mr. SCHUMER (for himself, Mrs. CLINTON, and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

Purpose: To appropriate \$100,000,000 to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses.

On page 13, between lines 18 and 19, insert the following:

GROUND TRANSPORTATION

For necessary expenses of the Transportation Security Administration to establish an identification and tracking system for HAZMAT trucks and a background check system for commercial driver licenses, \$100,000,000. On page 2, line 17, strike \$245,579,000 and insert "\$175,579,000".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 15, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting on pending Committee matters.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a nomination hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, September 21st, 2004 at 10 a.m. in Room SD 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of Karen Alderman Harbert, to be an Assistant Secretary of Energy for International Affairs and Domestic Policy and John S. Shaw, to be an Assistant Secretary of Energy for Environment, Safety and Health.

For further information, please contact Judy Pensabene or Colin Hayes of the Committee staff at (202) 224-4971.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 22, 2004, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting on pending Committee matters, to be followed immediately by an oversight hearing on the Contributions of Native American Code Talkers in American Military History.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 9, 2004, at 9:30 a.m., in open session to receive testimony on the Investigation of the 205th Military Intelligence Brigade at Abu Ghraib Prison, Iraq.

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

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 9, 2004, at 2:30 p.m., in open session to receive testimony on the report of the independent panel to review Department of Defense Detention Operations.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, September 9, 2004, at 2 p.m. to conduct a hearing on "Examining the Impact of the Sarbanes-Oxley Act and Developments Concerning International Convergence."

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 9, 2004 at 9:30 a.m. to hold a hearing on Sudan.

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

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to continue its markup on Thursday, September 9, 2004 at 10:00 a.m. in Dirksen Senate Office Building, Room 226. The agenda is attached.

Agenda

I. Nominations:

Claude A. Allen, to be U.S. Circuit Judge for the Fourth Circuit; David E. Nahmias, of Georgia, to be United States Attorney for the Northern District of Georgia; Ricardo H. Hinojosa, to be Chair of the United States Sentencing Commission; Michael O'Neill, to be a Member of the United States Sentencing Commission; Ruben Castillo, to be a Member of the United States Sentencing Commission; William Sanchez, to be Special Counsel for Immigration-Related Unfair Employment Practice.

II. Legislation:

S. 1635, L-1 Visa (Intracompany Transferee) Reform Act of 2003, Chambliss;

S. 1700, Advancing Justice through DNA Technology Act of 2003, Hatch, Biden, Specter, Leahy, DeWine, Feinstein, Kennedy, Schumer, Durbin, Kohl, Edwards;

S. 2396, Federal Courts Improvement Act of 2004, Hatch, Leahy, Chambliss, Durbin, Schumer;

H.R. 1417, To amend title 117, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges Act of 2003, Smith-TX, Berman-CA, Conyers-MI;

S. 2204, A bill to provide criminal penalties for false information and hoaxes relating to terrorism Act of 2004, Hatch, Schumer, Cornyn, Feinstein;

S. 1860, A bill to reauthorize the Office of National Drug Control Policy Act of 2003, Hatch, Biden, Grassley;

S. Department of Justice reauthorization bill;

S. 2195, A bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors Act of 2004, Biden, Hatch, Grassley, Feinstein;

S.J. Res. 23, A joint resolution proposing an amendment to the Constitution of the United States providing for the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated Act of 2003, Cornyn, Chambliss.

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

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Cheri Rolfes of my staff be granted the privilege of the floor for the duration of today's session.

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

EXPRESSING OUTRAGE AT THE TERRORIST ATROCITIES IN BESLAN, RUSSIA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 421, which was submitted earlier today by Senators DASCHLE, TALENT, FRIST, and SANTORUM.

The PRESIDING OFFICER. The clerk will state the resolution by title.

A resolution (S. Res. 421) expressing outrage at the recent terrorist atrocities in Beslan, Russian Federation, and condolences to the families of the victims.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD as if read.

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

The resolution (S. Res. 421) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 421

Whereas on Wednesday, September 1, 2004, a group of approximately 30 terrorists took

control of School No. 1, located in Beslan, North Ossetia, Russian Federation, and held approximately 1,200 Russians hostage;

Whereas the terrorists reportedly infiltrated the school and stockpiled weapons and explosives during the ongoing renovation of the school;

Whereas the terrorists held the captives for more than 50 hours, and denied the captives, including the children, access to food, water, and medicine;

Whereas the terrorists rigged the school with explosives, including a large bomb in the center of the gymnasium where the hostages were being held, and strapped suicide bombs to themselves;

Whereas children, parents, and teachers who attempted to flee, or to assist the hostages that attempted to escape, were shot by the terrorists;

Whereas on September 3, 2004, Russian troops and the Beslan hostage-takers exchanged gun fire, a bomb exploded that collapsed the roof of the school, the terrorists began killing the hostages, and massive loss of life ensued;

Whereas this horrendous terrorist action left more than 300 people dead, many of them children, as well as hundreds more who are severely wounded or unaccounted for;

Whereas the Russian people, as a result of this and other attacks in recent weeks, have experienced incredible loss and are experiencing immense grief as they begin the process of burying their loved ones killed by the actions of these terrorists; and

Whereas the United States has sent medical supplies and has offered its moral support to the Russian people in response to the terrorist attack at School No. 1: Now, therefore, be it

Resolved, That the Senate—

(1) condemns in the strongest possible terms this despicable act;

(2) expresses its condolences to the Russian people and in particular to those families who lost loved ones in the Beslan school tragedy; and

(3) commends the efforts of the United States Government to provide humanitarian and medical assistance to the people of the Russian Federation.

Mr. REID. Mr. President, if I may take a moment at this late hour, I reflect back on the relations between the Soviet Union and United States. One day—I don't remember the exact day—they had a book out there, and there was someone from the Russian Embassy here, and Senators walked out there and wrote their heartfelt feelings about what had taken place in Russia. I was so moved by that. The man who was there from the Embassy was speaking very broken English, but he was so glad we were there. I was so glad to be able to write in that book, recognizing the tremendous progress that has been made between the United States and Russia.

I applaud the leader for submitting this resolution. We have come such a long way. We stand in this war on terror with former enemies who are now our friends. Again, I applaud and commend the leaders for bringing this forth. This will be sent to the Russian Government so they will know the Senate's sentiments representing the United States, and that we speak for all Americans. We send our condolences for the brutal acts of these evil men in taking the lives of children and many other innocent people.

Mr. FRIST. I very much appreciate the comments made by the assistant Democratic leader, especially in light of the real tragedy that played out before our eyes not too long ago, several days ago.

The resolution we passed is a resolution that addresses the brutal terrorist attacks that occurred in Beslan, Russia. We all, through this resolution, offer our condolences to the families who have lost loved ones, and the people of Russia who continue to mourn beside them.

It was only last week we all watched as terrorists took control of that School No. 1 in Beslan, Russia, a small southern town near the Chechen border, and the horror, the slaughter that went on, as 1,200 students, teachers, and parents—because it was the first day of school—were held hostage and were denied food and medicine and water. In the horrific video, we saw individuals trying desperately to escape and they were simply shot. During the final massacre itself—and it was a massacre—we saw the fear and desperation in people's faces. It captured this war on terror that we talk about a lot; it captured the face of terrorism.

The Beslan massacre stands as the most monstrous, most despicable act of terrorism since the catastrophic events of 9/11. More than 300 people, many of whom were children, were murdered, and, as we know, hundreds more were critically wounded and missing. If there was any doubt, there is no doubt any more. Our enemy is willing to commit any barbarity to achieve its twisted aims. Our enemy is capable of shooting toddlers and destroying a schoolhouse, lacing it with bombs. As we saw on 9/11, our enemy rejoiced in the murder of innocent people.

The purpose of the resolution is to express the ache in our hearts for the Russian people, for those dark days they must endure, and it also reflects the importance of us renewing our commitment to resolve to defeat these forces of terror and to strengthen our determination to crush those who would bring calamity upon the civilized world.

I want to commend President Bush for his compassion and steadfastness as he reaches out to President Putin and the Russian people in their hour of need, providing appropriate assistance and moral support from all of us, from the American people, as the Russian people bury their dead and search for meaning amid what is incomprehensible horror. We stand by them as reflected in the resolution. America is with the Russian people, and together we will eventually defeat terrorism.

AUTHORIZING PRESIDENT TO AWARD GOLD MEDAL TO MARTIN LUTHER KING AND WIDOW CORETTA SCOTT KING

Mr. FRIST. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further

consideration of S. 1368 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1368) to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that my name be added as a cosponsor to this bill.

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

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1368) was read the third time and passed, as follows:

S. 1368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) Reverend Doctor Martin Luther King, Jr. and his widow Coretta Scott King, as the first family of the civil rights movement, have distinguished records of public service to the American people and the international community;

(2) Dr. King preached a doctrine of non-violent civil disobedience to combat segregation, discrimination, and racial injustice;

(3) Dr. King led the Montgomery bus boycott for 381 days to protest the arrest of Mrs. Rosa Parks and the segregation of the bus system of Montgomery, Alabama;

(4) in 1963, Dr. King led the march on Washington, D.C., that was followed by his famous address, the "I Have a Dream" speech;

(5) through his work and reliance on non-violent protest, Dr. King was instrumental in the passage of the Civil Rights Act of 1964, and the Voting Rights Act of 1965;

(6) despite efforts to derail his mission, Dr. King acted on his dream of America and succeeded in making the United States a better place;

(7) Dr. King was assassinated for his beliefs on April 4, 1968, in Memphis, Tennessee;

(8) Mrs. King stepped into the civil rights movement in 1955 during the Montgomery bus boycott, and played an important role as a leading participant in the American civil rights movement;

(9) while raising 4 children, Mrs. King devoted herself to working alongside her husband for nonviolent social change and full civil rights for African Americans;

(10) with a strong educational background in music, Mrs. King established and performed several Freedom Concerts, which were well received, and which combined prose and poetry narration with musical selections to increase awareness and understanding of the Southern Christian Leadership Conference (of which Dr. King served as the first president);

(11) Mrs. King demonstrated composure in deep sorrow, as she led the Nation in mourn-

ing her husband after his brutal assassination;

(12) after the assassination, Mrs. King devoted all of her time and energy to developing and building the Atlanta-based Martin Luther King Jr. Center for Nonviolent Social Change (hereafter referred to as the "Center") as an enduring memorial to her husband's life and his dream of nonviolent social change and full civil rights for all Americans;

(13) under Mrs. King's guidance and direction, the Center has flourished;

(14) the Center was the first institution built in honor of an African American leader;

(15) the Center provides local, national, and international programs that have trained tens of thousands of people in Dr. King's philosophy and methods, and claims the largest archive of the civil rights movement; and

(16) Mrs. King led the massive campaign to establish Dr. King's birthday as a national holiday, and the holiday is now celebrated in more than 100 countries.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King, in recognition of their service to the Nation.

(b) DESIGN AND STRIKING.—For the purpose of the presentations referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary of the Treasury shall strike and sell duplicates in bronze of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, at a price sufficient to cover the costs of the duplicate medals and the gold medal (including labor, materials, dies, use of machinery, and overhead expenses).

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING AND PROCEEDS OF SALE.

(a) AUTHORIZATION.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed \$30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

SPORTS AGENT RESPONSIBILITY AND TRUST ACT

Mr. FRIST. I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 361 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 361) to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, I am pleased that the Senate has agreed by

unanimous consent to pass H.R. 361, the Sports Agent Responsibility and Trust Act, SPARTA. The bill would help to protect amateur athletes from exploitation by sports agents. I commend Congressman TOM OSBORNE for his tireless work on this legislation and his ongoing commitment to ensuring that amateur athletes are treated with fairness and dignity.

This legislation is needed because State and Federal penalties for agents who engage in dishonest practices to lure athletes to sign contracts are seen by many groups as weak. For example, misconduct such as secret payments to amateur athletes, undisclosed payments to family or friends of athletes, unrealistic promises, pressure placed on the athletes, and even blackmail often go unpunished despite the severe damage that their practices cause to our country's amateur athletes.

Under SPARTA, sports agents would be prohibited from providing false or misleading information, making false promises, or providing anything of value to amateur athletes or their families. Each violation of SPARTA would be deemed an unfair or deceptive act or practice under the Federal Trade Commission Act, FTCA. SPARTA would authorize civil actions by the Federal Trade Commission, State attorneys general, and educational institutions against violators.

In addition, SPARTA would serve as a Federal backstop for an ongoing effort by the National Collegiate Athletic Association, NCAA, college coaches, university presidents, and athletic directors to promote at the State-level legislation developed by the National Conference of Commissioners on Uniform State Laws to regulate the business practices of sports agents. The legislation, titled the Uniform Athlete's Agent Act, UAAA, would require that sports agents be registered with the States in which they operate, and provide uniform State laws addressing their conduct and practices. To date, the legislatures of 29 States and two territories have passed the UAAA, but no similar Federal standard exists.

We must protect our youth from the predatory practices of those who do not share their best interests. This bill represents a positive step toward protecting amateur athletes and I thank my colleagues for their support in its passage.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 361) was read the third time and passed.

ORDERS FOR FRIDAY, SEPTEMBER 10, 2004

Mr. FRIST. I ask unanimous consent that when the Senate completes its

business today, it adjourn until 9:30 a.m. on Friday, September 10. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and following the time for the two leaders, the Senate then resume consideration of Calendar No. 588, H.R. 4567, the Homeland Security appropriations bill.

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

ORDER FOR MOMENT OF SILENCE

Mr. FRIST. For the information of all Senators, tomorrow before we proceed to our regular business the Senate will observe a moment of silence in further remembrance of the events of September 11, 2001. The anniversary of

those tragic events is not tomorrow, but on Saturday when the Senate will be out of session. Therefore, we will remember the anniversary during tomorrow's session. I therefore ask unanimous consent that immediately following the prayer and the pledge tomorrow, the Senate then observe a moment of silence to further remember the events of September 11.

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

PROGRAM

Mr. FRIST. Following those remarks, the Senate will resume consideration of the Homeland Security appropriations bill. There will be no rollcall votes tomorrow; however, a number of Senators will be here to offer and de-

bate their amendments. I do encourage all Senators who wish to offer amendments tomorrow to contact the bill managers as soon as possible. It is our intention to complete action on this bill early next week, and rollcall votes will occur on Monday afternoon. We will have more to say about next week's schedule tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:15 p.m., adjourned until Friday, September 10, 2004, at 9:30 a.m.