response to the Senator, we don't need to get into the business of trying to convert this discretionary program into one where the Congress, by massaging the language and putting in additional criteria, ends up taking the discretion away or limiting the discretion that ought to be exercised by the Department. Many characteristics are going to be considered, but we hope we won't try to tie the hands of the administrator so tightly that this program loses its significance.

High threat urban areas, we recognize, are entitled to Federal support in managing the threats to those communities, and it may cost more than States or local jurisdictions can manage to more fully and successfully protect the security interests of people in those areas.

I am hopeful the Senate will reject the amendment. Specifically, the amendment is an add-on of $20 million without any offset. So it is subject to a point of order and would have to overcome that point of order. The Senate could waive the point of order, could approve a motion to waive, but that would be one way to join issue with this.

I think our discussion here—the Senator's comments and the response I have made—can be interpreted as a colloquy that clarifies the authority the Secretary has to give consideration to the special vulnerability of cities and other localities that have a high degree of tourist population. He specifically mentioned Las Vegas. I am thinking specifically, too, about the gulf coast of Mississippi where we have a large number of tourists who come visit the resort areas and the tourists hotels, other attractions along the Mississippi gulf coast.

That area might very well also qualify for consideration as a vulnerable area for funding under this provision. I think the Senator points out something the Secretary and the Office for Domestic Preparedness specifically ought to consider as they make these grants to so-called high-threat urban areas. These are discretionary, but we think the criteria we have listed and described in the committee report and in the colloquy we have had on this amendment the Senator offered will help guide the Department in making these grants and enable them to fully consider the vulnerability of areas with high density or high levels of tourist population. We think that would be appropriate.

Mr. REID. Will the Senator yield for a question?

Mr. COCHRAN. Yes.

Mr. REID. How much is set aside in this bill for these discretionary grants?

Mr. COCHRAN. Seven hundred and fifty million dollars.

Mr. REID. I appreciate very much the statement of the Senator from Mississippi. I am one of Secretary Ridge's fans. I came to Washington with him in 1982. Under very trying circumstances, I think he has done a very good job.

I also want to elaborate on some of the problems we have in Nevada. We have about 2.4 million people who come from overseas to Las Vegas. So on any given day there are 60,000, 70,000, 80,000 people from other countries in Las Vegas. I misspoke before when I said there were 130,000 hotel rooms; it is really closer to 150,000 hotel rooms in Las Vegas. It goes without saying that in those hotel rooms, which average about 90 percent occupancy, there are a lot of extra people.

I do appreciate not only what the Senator from Mississippi said but how he said it. Probably $750 million for discretionary grants isn't enough, but it is certainly a lot of money. I hope those who work with Secretary Ridge will do what they can to protect people in destinations no matter how they got there or why they are there. Whether you are a resident of Georgia and you are in Nevada or a resident of Nevada and you are in Georgia doing a little tourist work, you still have to be protected; and whether you are from England or Memphis and you are in Las Vegas, there is still a requirement to take good care of the people who are there, make sure they have police and fire protection and emergency medical personnel.

So I appreciate the work of the subcommittee, as I stated when I started my remarks. We have a problem in America today with security needs, and we in Congress have an obligation to do what we can to help State and local governments with problems that are national in scope. This is one area where we need help.

At an appropriate time, after further discussion with the chairman and ranking member of the committee, I will make a determination as to whether this amendment should require a vote or whether I want to work on the basis of the colloquy with the Senator from Mississippi and withdraw the amendment. That decision will be made at a subsequent time.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I appreciate the comments of the distinguished Senator from Nevada. We will continue to work with him to be sure that we take into account the observations he has made, and the urban areas in his State will be dealt with fairly by the Office for Domestic Preparedness in the consideration of the allocation of grants from this fund.

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. 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 am going to propound two unanimous consent requests which we understand have been cleared on both sides of the aisle, and I make this request at the suggestion of the majority leader.

I ask unanimous consent that the committee substitute amendment be agreed to and considered as original text for the purpose of further amendment, provided that no points of order be waived by virtue of this agreement; provided further that the amendments that are now pending be modified so they are considered as pending to the bill.

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

The committee amendment in the nature of a substitute was agreed to.

ORDER OF PROCEDURE

Mr. COCHRAN. Mr. President, I ask unanimous consent that at 12:30, the Senate stand in recess until 3:30 this afternoon. This would allow all Senators to attend an important briefing this afternoon, in addition to the party lunches at 12:30.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I wonder if it would not be to the benefit of especially the Senator and myself, but the Senate generally, if as soon as the Senator completes these unanimous consent requests we go into recess at that time rather than wait until 12:30?

Mr. COCHRAN. I have no objection to that and so modify my request in that way.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 3:30 p.m.

Thereupon, the Senate, at 12:22 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004—Continued

Mr. COCHRAN. Mr. President, we are on the Homeland Security appropriations bill. We have two amendments pending for consideration. It is my understanding a briefing is being held right now and Senators are expected to be in the Chamber soon to either debate these amendments or make other comments about the bill.

We encourage those who do have amendments to let us know about them. We have some indication that there are amendments that will be offered before we complete action on this bill, but we intend to push ahead and work as late tonight as the leader permits and complete action on this bill tomorrow, if possible. That is our intention. We hope to have the cooperation of all Senators.

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

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

AMENDMENT NO. 1317

Mr. BYRD. Mr. President, the Nation's eyes have been turned to war overseas. The country's focus has been on the daily battles in Iraq. On the news almost daily there have been reports of American soldiers still dying. While the President arguably says that the mission in Iraq has been accomplished, the mission to protect our citizens here at home is far from complete.

Immediately after September 11, 2001, there was a great outcry for strengthening homeland security. Congress responded, infusing $40 billion into the war on terrorism—including efforts to better protect our citizens here at home. But since those early weeks after that clear September morning, the momentum has slowed. The pace has slackened. Homeland security initiatives are falling behind.

Just last month, former Senator Warren Rudman chaired a task force at the Council on Foreign Relations that examined investments in police, fire, and emergency medical teams. This blue ribbon panel included Nobel laureates, U.S. military leaders, former high-level government officials, and other senior experts, and was advised by former White House terrorism and cyber-security chief Richard Clarke. The results of their examination should shake this Congress from its homeland security slumber and especially it should shake the White House from its slumber and from its focus elsewhere.

The task force found that, nearly two years after 9/11, the United States is drastically underfunding local emergency responders and remains dangerously unprepared to handle a catastrophic attack on American soil, particularly one involving chemical, biological, radiological, nuclear, or high-impact conventional weapons. The panel concluded that, if the Nation does not take immediate steps to better identify and address the urgent needs of emergency responders, the next terrorist incident could be even more devastating than 9/11.

Imagine that, more devastating than September 11, 2001.

The underlying legislation before the Senate is the Fiscal Year 2004 Homeland Security Appropriations bill. It provides more than $28 billion for a variety of programs, from better border security to natural disaster response efforts. But while this is a step forward, the legislation does not accomplish enough. It does not provide the investments in protections that the Nation so desperately needs.

This fact is not the fault of Subcommittee Chairman THAD COCHRAN or Appropriations Committee Chairman TED STEVENS. The hand that they were dealt was poor from the start. But that does not mean that this Senate needs to settle for less than is needed.

The amendment that I have offered would add critical dollars to some of our Nation's most vulnerable entities. It is a responsible $1.75 billion approach to begin to close the enormous gaps in America's homeland security. The amendment to which I address my remarks at this time is about fulfilling our promises to the American people. After 9/11, Congress passed the Patriot Act. It passed the Maritime Transportation Security Act. It passed the Aviation and Transportation Security Act. It passed the Enhanced Border Security Act. And the President signed these with great fanfare. But when it comes to securing our homeland, the administration follows the same pattern. The President seems to be satisfied with rhetoric, which doesn't cost anything, rather than working with Congress to provide real dollars.

The amendment I offer today is intended to fulfill the promises made for securing our homeland. It would add a total of $1.75 billion for critical homeland security programs. The amendment adds: $602 million for Maritime and Land Security, including port security and transit security; $729.5 million for first responder funding for our police, fire and emergency medical personnel, including funding for high threat urban areas; $238.5 million for security improvements at U.S. borders with Canada and Mexico; it includes 100 million for air cargo security; and it includes $80 million for protections at chemical facilities.

With public warnings ringing in our ears from Secretary Ridge that another terrorist attack is inevitable, some may argue that our homeland security needs seem endless, and therefore the Congress must set limits. I agree that they are endless and that Congress must set limits. That is why this amendment focuses on the specific expanded homeland security missions that Congress has authorized since 9/11, but that the administration has yet to adequately fund. Unfortunately, the budget resolution endorsed by this White House has forced us to exclude from the bill some funding that both the Congress and the President have recognized as being real needs. This amendment focuses on those critical shortfalls. It puts the beam on those critical shortfalls. It puts the microscope right down to their level.

One of the mysteries about the President's budget is the budget for the Transportation Security Administration, or TSA. TSA was created by the Aviation and Transportation Security Act of 2001 and was supposed to focus on securing all modes of transportation. Yet the President's budget includes only $86 million or 2 percent of the TSA budget for maritime and land security. Yes, I said 2 percent—just 2 percent of the TSA budget for maritime and land security. The rest of the President's budget request is for aviation security and for—you guessed it—administration. What about securing our ports? What about securing our trains? What about securing our railroad tunnels, and our subways? What about buses or securing the trucks that carry hazardous materials?

In fact, the President's budget requests 2.5 times more for administering the TSA bureaucracy than he does for securing the Nation's ports, trains, trucks, and buses.

This amendment would add $602 million for maritime and land transportation funding. To his credit, Chairman COCHRAN provided $295 million for these programs. My amendment further enhances the good work Senator COCHRAN has begun.

On November 25, 2002, the same day that the President signed the Homeland Security Act, he also signed the Maritime Transportation Security Act—MTSA, putting in place significant new standards for improving the security of our 361 ports around the Nation. On July 1, the Coast Guard published regulations putting the MTSA into action.

During the Senate Appropriations Committee's homeland security hearings last year, one witness, Stephen Flynn, noted that the Nation's seaports:

> . . . are the only part of an international boundary that the federal government invests no money in terms of security. . . . Most ports, the best you get is a chain link fence with maybe some barbed wire.

Let me repeat that. The Appropriations Committee of the Senate conducted hearings last week, anent homeland security. And we heard testimony from mayors, Governors, and from seven Department heads—I am talking about Departments in the President's Cabinet—and from FEMA as well. And one of these witnesses was Stephen Flynn. Here is what he said about the Nation's seaports. He said:

> [They] are the only part of an international boundary that the federal government invests no money in terms of security. . . . Most ports, [he said] the best you get is a chain link fence with maybe some barbed wire.

Comforting? Is that comforting?

Consider that U.S. ports receive 16,000 cargo containers per day and more than 6 million containers per year. Consider the fact that U.S. ports are home to oil refineries and chemical plants that process noxious, volatile chemicals. Consider the additional fact that there are 68 nuclear powerplants located along U.S. waterways and that the average shipping container measures 8 feet by 40 feet and can hold 60,000 pounds. Consider, further, that a ship or tanker transporting cargo can hold more explosives and dangerous materials than could ever be smuggled in an airplane or a truck crossing a land border.

Yet despite the clear danger, the best port protection the American people

have is a chain link fence? It is unfathomable—unfathomable—why we have not insisted this amendment be signed into law months ago.

This amendment would make sure that more than a chain link fence is protecting the Nation's ports. Not too much to ask, is it?

The Coast Guard has estimated that it will cost the ports $5.4 billion during the next decade to implement the Maritime Transportation Security Act standards, including $1.1 billion this year; and yet the President did not request one thin dime—can you believe it, not one dime—for port security. The amendment that I will offer, which is at the desk, would increase port security grant funding from the $150 million contained in the bill by $460 million, thus providing a total of $610 million for this program.

The Commandant of the Coast Guard testified before the House authorizing committee on June 3, 2003, about the implementation of the MTSA legislation. Here is what he said:

> The regulatory impact on the maritime industry will be significant, and the time line for implementing the new robust maritime security requirements is exceptionally short.

However, the administration, while aggressively supporting Federal security funding for the aviation industry, has failed in four straight spending requests to include a single penny—not one red cent—for port security grants even though 95 percent of all non-North American U.S. trade enters our 361 ports around the Nation. This is serious.

During our Homeland Security Subcommittee hearings this spring, I asked Under Secretary Asa Hutchinson why there was no money requested in the President's budget for port security grants and Mr. Hutchinson testified that he believed it was the responsibility of the port industry—the responsibility of the port industry. Yet the port industry's first priority is moving goods through ports as quickly as possible because that increases profits. There must be incentives if we are to realistically expect the ports to improve security.

This year, the Transportation Security Administration received over $1 billion of applications from the ports for the limited funding that was approved by Congress last year. There clearly is a demand from the ports, for help to harden physical security to reduce the Nation's well documented seaport vulnerabilities. These are vulnerabilities that are well documented.

The amendment also addresses other important homeland security needs authorized by the Maritime Transportation Security Act—and yet again not funded.

The Maritime Transportation Security Act requires that vessel and port facility owners prepare and submit security plans to the Department of Homeland Security for the purpose of deterring a transportation security incident. The Coast Guard serves as the lead agency to develop a National Maritime Transportation Security Plan and review all security plans prepared by vessel or facility owners or operators.

To meet requirements set in the MTSA, vessel and facility owners must submit security plans to the Coast Guard for review and approval by the end of calendar year 2003. But, once again, the administration provided no funding to the Coast Guard for this effort or for tracking compliance with the plans in its fiscal year 2004 budget request.

In recent testimony, Coast Guard Commandant ADM Thomas H. Collins acknowledged that the Coast Guard still needs an additional $70 million and 150 full-time employees by this fall to review and approve more than 10,000 security plans by vessel and facility owners. My amendment provides the money.

My amendment also provides $57 million for public transit grants. According to a Mineta Transportation Institute study, one-third of terrorist attacks worldwide have been on transportation systems, and transit systems are the mode most commonly attacked. According to the study, nine surface transportation systems were the target of more than 195 terrorist attacks from 1997 through the year 2000.

The approximately 6,000 transit agencies in the United States provide more than 9 billion trips each year representing 43 billion passenger miles, and yet the administration has provided minimal funding for transit security.

The General Accounting Office, the GAO, recently reported that:

> Insufficient funding is the most significant challenge in making transit systems as safe and secure as possible.

Mr. President, at just 8 of the 10 transit agencies surveyed, the General Accounting Office identified the need for security improvements estimated at $700 million. The General Accounting Office also found that:

> TSA has yet to exert full responsibility for the security of any transportation mode other than aviation.

The chemical attack on the Tokyo subway system in 1995 is a sobering reminder of how a terrorist attack on one transit system can affect human lives, the economy, and confidence in our transit systems. How many times do we have to witness attacks on transit systems in other countries before we secure our transit systems?

This amendment would provide $57 million in direct grants to the Transportation Security Administration to help with that shortfall.

The amendment also would add $15 million to the $10 million already provided in the bill for intercity bus grants. A study conducted by the Mineta Transportation Institute, ''Protecting Public Surface Transportation against Terrorism and Serious Crime,'' found that during the period 1997 through 2000, 54 percent of the worldwide attacks on surface transportation systems were against buses or bus terminals.

Almost 800 million people ride over-the-road buses annually, more than the airlines and Amtrak combined. Intercity buses serve approximately 5,000 communities daily, compared to roughly 500 each for the airlines and Amtrak. Intercity buses serve those who truly need public transportation—rural residents who have no other public transportation alternatives and urban residents who must rely on affordable public transportation.

Given the important role that intercity buses play in the Nation's transportation system and their susceptibility to terrorist attacks, they must be protected.

One of the most glaring funding deficiencies identified in the recent Rudman report is the poor support for first responders. The Rudman report estimated that America will fall approximately $98.4 billion short of meeting critical emergency responder needs in the next 5 years, if current funding levels are maintained. But the legislation before the Senate does not even maintain that current funding level.

While the underlying bill provides first responder funding at a level that is $303 million above the President's request, it is $434 million below the level that the Congress approved for the current fiscal year.

In the nearly 2 years since the terrorist attacks of September 11, 2001, States and cities have worked to better protect the Nation. They have undertaken critical assessments of vulnerabilities. They have provided specialized training to police officers, firemen, and emergency medical teams. They have attempted to close as many gaps as possible to prevent another terrorist attack. But unfortunately, for many communities, they have had to act without the support of the Federal Government.

A March 2003 analysis by the U.S. Conference of Mayors reports that cities are spending an additional $70 million per week on personnel costs alone, to keep up with security requirements. Mayors and governors have contacted almost every Member of this Congress, if not all, practically begging for additional funds to help defray the huge expenses for homeland security. Their requests come at a time when cities, counties, and states are in the worst financial shape in decades. Los Angeles Mayor James Hahn stated earlier this year that ''We've dug deep into our own pockets. Now we really need the help of the Federal Government.'' This is taken from the Los Angeles Times of February 23. They have come hat in hand for help, and we ought not turn our backs on them.

My amendment adds $500 million to the budget of the Office of Domestic Preparedness for first responders. Specifically, it provides $250 million for

State grants, and $250 million for high threat urban areas, bringing the total for high-threat urban areas to $1 billion. This amendment provides funds to meet the immediate and growing needs that State and local first responders have for funds for equipment, training, homeland security exercises, and planning.

The needs are great.

According to the Federal Emergency Management Agency and the National Fire Protection Association, only 13 percent of fire departments have the equipment and training to handle an incident involving chemical or biological agents.

Forty percent of fire department personnel involved in hazardous material response lack formal training in those duties.

Only 10 percent of fire departments in the United States have the personnel and equipment to respond to a building collapse.

Funds would be used to purchase: Personal protective equipment for first responders—chemical resistant gloves, boots, and undergarments; interoperable communications equipment, portable radios, satellite phones, batteries; detection equipment—equipment, to monitor, detect, sample, identify and quantify chemical, biological, radiological/nuclear and explosive agents; medical supplies and pharmaceuticals; and, training costs and paying overtime costs associated with attendance at training for emergency responders, emergency managers, and public officials.

My amendment also provides $79.5 million for grants for interoperable communications equipment. This bill currently includes no funds specifically for interoperable communications equipment. This amendment proposes to add $79.5 million, the same amount that was provided in fiscal year 2003.

The initial $79.5 million was a small step in starting the process of integrating and coordinating communications equipment between and among first responders firefighters, police officers, and emergency medical personnel—a deficiency uncovered during the 9/11 attacks on the United States.

Only one-fourth of all fire departments can communicate with all of their rescue partners. The Council on Foreign Relations' June, 2003 study on homeland security needs estimated that the need for interoperable communications equipment funding was $6.8 billion over the next 5 years.

The amendment also provides an additional $150 million for fire grants. The Senate bill includes $750 million for assistance to firefighter grants, roughly the same amount as last year. This amendment would add $150 million for fire grants, which would bring the total to $900 million, the level authorized. Our fire departments need this money.

On average, fire departments across the country have only enough radios to equip half the firefighters on a shift, and breathing apparatuses for only one third.

In the 3 years this program has been in existence, it has become one of the best run programs in the Federal Government. This Senate should fund this program at the authorized level. Our frontline defenders deserve no less.

In October of 2001, the President signed the Patriot Act which called for tripling the number of border patrol agents and Customs and immigration inspectors on the northern border. In May of 2002, the President signed the Enhanced Border Security Act, which authorized significant new investments in border patrol agents and facilities. The goals with regard to Customs inspectors and border facilities cannot be met with the limited funding that was made available for this bill.

The amendment I have offered adds $100 million for improvements to our border ports-of-entry. There are 197 ports-of-entry on our Nation's land borders. Of those, 128 out of 197 are stretched across our 5,525 mile long border with Canada.

The remaining sites are along our highly-trafficked border with Mexico.

Most facilities along the U.S.-Canada border were constructed either as part of the Civilian Conservation Corps program during the Great Depression or in the period between 1950 and 1965. These older facilities are having an increasingly difficult time meeting the energy and power requirements of today's technology.

Along the U.S.-Mexico border, traffic both in people and goods has more than doubled since the last major border infrastructure effort was launched during the Reagan administration.

Trade with Canada has doubled in the last decade, while trade with Mexico has tripled during the same time frame. However, the facilities through which trade must flow have not been expanded or enhanced to keep pace with this traffic.

A Congressionally mandated study called the ''Ports of Entry Infrastructure Assessment Study,'' completed over a year prior to the tragic events of September 11, 2001, identified a growing backlog of infrastructure needs at our Nation's border crossings. It specifically identified 822 infrastructure requirements with an estimated gross cost of $784 million. That report was completed 3 years ago last month—but Congress has yet to seriously begin to address this growing problem.

Consistent with the Enhanced Border Security Act and legislation introduced in this body by a bipartisan group of Senators, this amendment provides $100 million for the new Bureau of Customs and Border Protection to begin addressing this backlog. The funds provided in this amendment could be used to replace the trailer—yes, the trailer—that serves as a border port-of-entry in Easton, ME, or to complete construction of the San Diego fence along the border with Mexico which was authorized by Congress in 1997.

My amendment would also add $138.5 million to hire additional border protection staff to meet the levels authorized in the USA PATRIOT Act.

While funding in the Committee bill will allow the Bureau for Customs and Border Protection, CBP, to succeed in meeting the Congressionally mandated staffing goal for the Border Patrol by the end of this fiscal year, the remaining components of this newly created bureau fall far short of meeting the authorized target.

The PATRIOT Act authorizes a total of 4,845 legacy Customs, Immigration and Agriculture inspection personnel along the northern border by the end of fiscal year 2004. According to the CBP, it will fall far short of that goal. It estimates that it will only have 3,387 inspection personnel at the many port-of-entry and other facilities that stretch across the 5,525 mile northern border with Canada. This is 1,458 personnel short of the authorized and required level.

My amendment would provide the $138.5 million estimated to complete the hiring initiative called for in the PATRIOT Act. The funds would be used to hire an additional 1,458 inspectors to: enhance our ability to conduct inspections of people and goods entering our country to ensure that the people entering the country are authorized to do so; to ensure that the products in the containers are indeed what they are claimed to be and that no dangerous foods, meats, or other products are brought into the country.

Another key area of focus is air cargo security. Most Americans would be stunned to learn that, under the President's budget proposal, each airline passenger will be screened before boarding a plane. Each passenger's baggage will be screened before being loaded on a plane. But commercial cargo on that same plane is left unchecked.

The amendment would add $100 million to the Transportation Security Administration's budget. The additional funds proposed in this amendment would accomplish some key immediate objectives while at the same time laying the ground work for a more comprehensive, multi-year plan. Of this amount, $70 million would be provided to immediately strengthen and expand a number of ongoing TSA activities while the remaining $30 million would be used to increase research, development and testing of screening technologies and other systems.

The $70 million would be used for the following purposes:

To immediately deploy personnel to the Customs and Border Protection's National Targeting Center to develop rules for targeting suspicious packages on passenger aircraft and, as resources are provided, all-cargo aircraft; to provide $20 million for approximately 125 inspectors to be devoted to cargo screening. These personnel would be trained to inspect cargo operations, but in keeping with TSA's Aviation Operations strategy to cross-train its personnel, they would be trained for additional duties in future fiscal years; to provide $15 million to advance

by one-year the TSA plan to expand canine screening teams for limited cargo screening. These activities would be co-located at airports currently using TSA canine for screening of U.S. mail, and would work as a complement to EDS screening at smaller locations; to provide $25 million to fully deploy the ''known shipper'' and profiling programs for cargo being carried on passenger aircraft; to provide $5 million to update the risk and vulnerability assessments for cargo operations; to provide $5 million to launch immediately a pilot program to use explosive detection system, EDS, machines at select locations to screen cargo.

The additional $30 million would be added to the currently budgeted $30 million in TSA's research and development account for air cargo activities, doubling the total amount available for research and development within the air cargo pilot program.

Finally, my amendment provides $80 million to begin addressing the issue of physical security at chemical facilities.

Michael O'Hanlon of the Brookings Institution has called the lack of security at U.S. chemical plants a ''ticking time-bomb.'' The General Accounting Office has reported that chemical plants remain vulnerable to a terrorist attack. Using data from the Environmental Protection Agency, the GAO noted that 123 chemical facilities across the country, if attacked, could inflict serious damage and expose millions of people to toxic chemicals and gases.

There are 3,000 chemical facilities in 49 States that, if attacked, could affect more than 10,000 people each.

The General Accounting Office found that the Federal Government has not comprehensively assessed the chemical industry's vulnerabilities to terrorist attacks, nor has the Federal Government adequately addressed our nuclear vulnerabilities.

The Homeland Security Department is responsible for carrying out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructure of the United States. The President's National Strategy for Physical Protection of Critical Infrastructure and Key Assets identifies chemical plants as part of the Nation's critical infrastructure. We are talking about chemical plants.

Unfortunately, this administration has paid lipservice to the issue by saying that the Homeland Security Department will take the lead in managing vulnerability assessments of U.S. chemical facilities, but—b-u-t—no funding is identified in this budget to do just that.

When I asked Secretary Ridge who was responsible to secure these facilities, he testified that he thought that securing chemical facilities was the responsibility of the chemical industry. Frankly, I do not believe our communities would be satisfied to wait for the administration to wake up to this danger.

The Congressional Budget Office has estimated that it will cost $80 million to conduct vulnerability assessments for chemical plants. This amendment I have offered would provide those resources.

Protecting this Nation's communities is not easy. Protecting this Nations communities is not cheap. And protecting this Nation's communities cannot wait. After 9/11, Congress passed the Patriot Act, the Maritime Transportation Security Act, the Aviation and Transportation Security Act and the Enhanced Border Security and Visa Entry Reform Act and the President signed all of these with great fanfare. But the President has done little to fulfill the promise of those laws. Now the Senate has before it the funding legislation that will either fulfill the promise of those acts or continue to leave the Nation vulnerable.

We will hear the same old mantra in opposition to this amendment that money cannot possibly solve the problems facing homeland security. I agree that money cannot solve all of our problems but if we fail to invest sufficient funds, if we fail in the effort to protect our people as best we can, we will never even begin to address them. The gaps in our protections and preparations will continue to grow. We all know these caps exist. And, to be sure, if we know where those gaps are, so do the terrorists know where those gaps are. The American people believe that we here in Washington are taking care of the problem. We must make every effort to close those gaps.

In just a few weeks, America will pause to remember the second anniversary of the moments when the airplanes struck the World Trade Centers, the Pentagon, and the Pennsylvania field. We again will remember the mothers and fathers, the brothers and sisters, the firefighters, the police officers, the ambulance drivers. We will remember all of those who lost their lives in those tragic moments. And we should remember those who saved our lives when they sent that plane into the Pennsylvania fields. But as we remember the lives of all these, we owe them more than high-sounding rhetoric. We owe them our best judgment. We owe them rational, responsible action. We owe them a legacy that may truly save lives and prevent another terrorist attack from happening.

I urge all Members to be mindful of their solemn duty to ''provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity'' as we debate this important legislation.

I have gone to considerable lengths to speak concerning my amendment. I urge Senators to support the amendment.

I ask unanimous consent that certain Senators have their names added as cosponsors: Senators LIEBERMAN, CANTWELL, and STABENOW.

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

Mr. BYRD. And I welcome the cosponsorship of other Senators—all Senators for that matter. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, first, I wish to thank the distinguished Senator from West Virginia for his cooperation in the development of this bill that is now before the Senate. His assistance and participation in the hearings, the review of the President's budget request, our meetings with administration officials to fully understand the priorities as they saw them, and, in many ways, his experience and judgment in helping guide the development of this bill were very essential to the success we had in getting it to this point. His support in getting it through the committee and subcommittee was essential and very important.

This amendment, as the distinguished Senator has pointed out, will add money for many different areas of spending in the legislation that we have presented. Of course, it is because there are many needs there. There are many ways we can allocate and spend resources to try to upgrade our capability of protecting our Nation's homeland. So there is no end to the list of ways we could spend additional funds.

What we have tried to do, though, is be guided by the limitations that have been imposed on the committee by the budget resolution. We have a limited amount of money to spend in this bill. In fact, the amount we have been allocated to spend is $1 billion more than the President's budget request that was submitted to Congress earlier. So this bill provides $29.326 billion. We have tried to allocate it among all the competing needs that we have come to understand through our review of the budget request and the information we have been able to obtain as to what our needs are and what the highest priorities are, and that is what this bill reflects: the judgment of the Appropriations Committee of the priorities that exist and how we can best use the amount of money that is allocated to this committee for this next fiscal year, keeping in mind that we have already appropriated funds in the year we are in now, fiscal year 2003.

We have also added a substantial amount of money for homeland security in the supplemental appropriations bill that was just recently passed by the Senate and signed by the President. Therefore, since this amendment proposes to add another $1.75 billion to the bill that is before us with no offsetting suggestion of where the money would come from, I will be constrained to make a point of order against the amendment because it provides spending in excess of the subcommittee's allocation in violation of the Budget Act. Before doing that, let me make a few observations about the Senator's comments on some specific provisions in the bill.

Facilities along the land borders, which the Senator discussed, are maintained under the General Services Administration, and funds for upgrading, maintaining, and replacing facilities are funded through the General Services Administration and the appropriations bill that has that as part of its jurisdiction.

This committee does not have GSA jurisdiction. What we do have is the responsibility of trying to accommodate the deployment of facilities to implement the U.S. visitor and immigrant status indicator technology. This is a new program. It is to be deployed upon land ports of entry, and funds are included in the committee bill for that purpose.

In addition, the Bureau of Customs and Border Protection has undertaken to hire additional inspectors to be deployed on these borders, to enforce the new rules and to better protect us from people who come across the border who may be a threat to the security of our homeland.

Our indications from the Bureau of Customs and Border Protection are that over 4,000 inspectors have been added to the workforce since September 11, 2001. That has increased coverage at these ports of entry by 25 percent. Over 2,600 inspectors are on the northern border, compared to about 1,600 prior to September 11. There are 613 Border Patrol agents who are assigned to the northern border compared to 368 before September 11. Commissioner Bonner says he plans to have 1,000 agents on the northern border by October of this year. So when the new agents who are funded in this bill are counted, are included, there will be over 11,600 Border Patrol agents in fiscal year 2004. That is funding already in this bill.

We added additional staffing in the wartime supplement. We put in the supplemental $75 million for additional northern border and maritime ports of entry personnel. This was in addition to the money that was previously appropriated for this fiscal year for new personnel. We also included $25 million to transfer Border Patrol agents to the northern border. It is an important new undertaking, and we are cooperating with the administration in trying to meet those needs.

The Bureau of Customs and Border Protection can only hire so many people in any one year. This bill includes the maximum number of new border agents who can be absorbed in one year.

We also think it is important to preserve the Department's flexibility to assess its staffing needs nationwide. We should not come in and say they have to hire 1,000 more than they planned to hire this year. We have to leave to the good judgment of the administrators how they can absorb and find the qualified people to hire, how they can train them in their new duties and deploy them to the places where they can be used. I think it would be a mistake at this point for the Senate to try to superimpose our judgment about a detail of that kind.

We have the same goal. We are on the same team with this administration. We have to listen to the statements and suggestions they make to us about the funds they can use and what they need to do their job within the limits that we have. We have to allocate the funds according to the priorities as we see them.

Up to this point in time, it is the judgment of the committee at least that the funding we have made available for border security agencies, for personnel to carry out the missions of the USA PATRIOT Act, which the Senator mentioned, and other authorizing legislation is funded in the bill to the extent that it is possible to be funded in the bill.

In the case of the Transportation Security Administration, the additional funding suggested in the amendment is $100 million for screening of air cargo. First, the authorizing committee assessed the needs for new authorities and how the responsibilities for screening air cargo would be changed to meet the new threats. Congress responded by passing the Air Cargo Security Improvement Act, S. 165. It authorizes the development and deployment of something called a known shipper database, strengthening security enforcement and compliance measures for indirect air carriers and implementing mandatory security programs for all cargo carriers.

The Transportation Security Administration has undertaken a comprehensive, strategic plan for air cargo security. It is based on threat assessment and risk management.

As I understand it, there are three elements to the approach of the Transportation Security Administration. They strengthen the current known shipper program to verify shipper legitimacy. They have developed a cargo prescreening and profiling system that targets shipments based on a set of guidelines to indicate which shipments may be suspicious. They have a targeted inspection system to identify suspicious cargo utilizing explosive detection systems, explosive trace detection, canine detection, and other approved methods for inspecting air cargo.

This comprehensive approach is consistent with the Department's approach in securing containers that cross our borders by all modes of transportation, and the funding that was requested in the President's bill has been respected. The bill we have before the Senate provides $60 million. Ironically, it is $30 million more than the President requested for this function.

The Transportation Security Administration, according to my understanding, can use this money. But this amendment that has been offered by the Senator from West Virginia would add an additional $100 million in addition to what is already in the bill. I am not sure the administration can use that and use it effectively.

The amendment has additional money for grants for public transit agencies, for enhancing security against chemical and biological threats. We already have $71 million for the Science and Technology Directorate to develop and deploy chemical, biological, and nuclear sensor networks throughout the country, including public transit facilities. That would duplicate and be over and above what is already being spent to try to make sure that we deploy the right kind of defenses to this kind of threat.

Again, I think it is important for us to work with the administration and say: Okay, we have so much money that has been allocated to us to spend for homeland security. How can we best spend that money right now? How much do they need this year? What can they use? What are the highest priorities? Where do we need to spend the money first?

The amendment the Senator has offered also increases port security grants by $460 million, as he pointed out. We already have $150 million in the bill for port security grants, and this is in addition to $365 million provided in 2002 and 2003.

Of the $365 million already provided by the Congress, only $260 million has been obligated by the administration. So think about this: We have a proposal to add $460 million to an account where the money is still there and has not been obligated that has previously been appropriated. How much can be spent is something that has to be taken into account as well, not how much we can appropriate. That is not going to be a measure of the success of this bill or whether or not it has been thoughtfully expended to protect our security. We have to make sure it can be used and that it can be used thoughtfully, consistent with a plan that has been developed by the administration.

The Transportation Security Administration can only obligate about $150 million a year because assessments of ports have to be conducted, they have to be given some kind of priority, and then an application process by the ports for the funds has to be analyzed, assessed, and careful decisions need to be made. It cannot be just a rush to apply for a grant: Hey, they have a new fund in Washington. If you are a port director, if you get your application in now and put pressure on the administration, you may get some funds.

Will it be consistent with the overall national plan? Will it be targeted where the threats are the most imminent and most troublesome, where the money really needs to be spent? Are

other agencies going to be able to take up the slack in helping to deal with threats that are known to exist in our ports?

There is a capacity only to spend so much money at one time. That is the point. The rush to spend money can put the agency in disarray, can give a false sense of security to the people in the country, saying, look, we spent $460 million in addition to what had already been appropriated. But that may not actually help improve our security.

There is no doubt there will be a need for these funds later. There will be a need to increase security at our ports over and above what we are doing in this fiscal year or next fiscal year—and not just in ports but in all modes of transportation. But we need to take a measured, thoughtful approach, and weigh the funding provided for the security of our Nation's homeland security needs. That is what we tried to do, take a balanced approach and make an assessment based on limitations we have and the realities we face.

There is a proposal in this amendment to add $70 million to the Coast Guard operating expenses account to increase the total funding of the Coast Guard. The bill already provides $4.719 billion for Coast Guard operating expenses. This is $12 million more than the President has asked for operating expenses, excluding environmental compliance and restoration, and reserve training, which are funded separately.

Included in the bill for acquisition, construction, and improvements is the amount of $1.035 billion which is $238 million above the President's budget request.

Funding to implement the Maritime Transportation Security Act (MTSA) was not requested in the President's budget because that Act had not been passed until after the President's budget was prepared. No request was made for funding to implement MTSA in the fiscal year 2003 supplemental either. We know funding for the implementation of the MTSA is a priority for the Coast Guard. If we had additional funds available, we would agree to increased funding in fiscal year 2004. But the bill has been very generous to the Coast Guard. We believe funding for the implementation of MTSA should be included in next year's budget request by the President.

The Office for Domestic Preparedness is targeted in this amendment with a funding increase. Mr. President, $729.5 million is provided in this amendment to increase funding for grants to State and local governments.

One of the first calls I made when I realized it was going to be my obligation to chair this subcommittee was to Warren Rudman, our former colleague from New Hampshire, who has been, with Gary Hart, part of a study to assess our homeland security needs. They had published reports and made some presentations in New York, Council on Foreign Relations, and other places.

One of the things I remember former Senator Rudman suggesting to me is, it is impossible to know precisely what is needed and how much it will cost. That is something I have kept in mind.

The fact is, this is not an exact science. We have to use our judgment, make choices, understand that we cannot do everything at once. What we are trying to do is maintain a base level of preparedness through this program.

The Department is going to be better able to assess true needs once the States have had a chance to submit their updated homeland security strategies. We cannot just assume right now the States can identify all of the areas where they need to spend the money, which local governments continue to have needs, and which ones ought to be funded first.

In my judgment, we run the risk of being irresponsible if we increase funding over and above an amount that can logically and systematically be provided through the grant program to State and local governments.

We will have provided through the funds recommended in this bill almost $9 billion through the Office for Domestic Preparedness and the firefighters assistance grants since September 11. A lot of money has been spent already. In addition to those expenditures and the funding in this bill, the Senator suggests we ought to spend another $729.5 million.

We are suggesting the funds appropriated in this bill, in this account, for this fiscal year, are a responsible level of funding for first responders, given the other needs and other demands that come under the responsibility of the Department of Homeland Security.

The amendment also suggests we earmark $80 million for information analysis and infrastructure assessment, a directorate, to conduct assessments for chemical facilities. I am impressed with the concerns reflected in this suggestion. We do not have funding made available to individual industries involved in the chemical business to make these assessments. I am not enough of an expert in that business to know the assessments that have already been made and the security arrangements that many of these businesses and industries already have. One thing we need to keep in mind is that self-interest has motivated business and industries, and anyone who owns a business or a home should do what they can to protect themselves, to be sure their workers are protected, to be sure their families are protected. We all feel that obligation. It is not like everyone has been assuming they had no responsibilities for self-protection.

Businesses and industries have done a great deal, invested huge sums of money, to protect their own assets.

The suggestion is we need to give them more money to do some more analysis, to do some more assessments.

There may be a need for additional critical infrastructure assessment; however, this bill already provides $293.9 million for key asset identification, field assessments of critical infrastructures, and key asset protection implementation to help guide and support the development of protective measures to improve the security of industrial facilities and assets.

Of the amount provided for critical infrastructures, $199.1 million is made available for critical infrastructure and vulnerability assessments of the highest priority infrastructures and assets. But we need the benefit of the advice of the administration, those who are in charge of the programs, to tell us what those are. This amendment that is offered by my friend from West Virginia says it is the chemical industry. That is the only earmark in this part of the bill—$80 million for chemical facilities. There may be other facilities that are more vulnerable or that would cause more damage and displacement of American businesses than the chemical facilities would if they were under a threat of terrorist attack.

The priorities that have to be made and assigned have to be based on a combination of factors: threat, vulnerability, and risk analysis. And we have to leave that up to the administration. I don't feel competent to make that kind of decision. I don't know of any Senator, if this amendment were to be voted on this afternoon, who could just walk in here and decide should that be an earmark or should it not. But it is folded into this big amendment and we are asked to decide whether to target $80 million for just these kinds of facilities. Who is to know whether that is a good decision or not, if they have not been through the hearings, they have not had the opportunity to assess the other options?

So I think it is an unfair choice that we present to other Senators, to have them make that decision right now. Why can't the administration make that decision? I think they are better suited to make that decision than we are right now. We have to work with them and not make prejudgments.

The prioritization is going to be based on a lot of factors. There are 14 critical infrastructure areas—including the chemical sector—5 key asset categories that further break down into about 99 distinct segments, all of which must be considered based on changing threat assessments. So this is not necessarily an effective way to improve our Nation's security, just to earmark money for one particular kind of industry requiring a specific amount of funds to be spent. Why not $180 million? Why not just $40 million? Where does $80 million come from? I don't know. Who knows?

So without the corresponding analysis that helps advise the Senate, it is a mistake for us to be asked to make this kind of choice.

We are telling the terrorist organizations, aren't we, that we are going to spend the money in this sector? We are going to target this sector and emphasize it and make it a high priority, but

not the others? Is that a good way to make decisions in this area or should we let the administration and the infrastructure protection experts decide where the threats really are? What does the intelligence show as to where the threats are? These need to be taken into account.

This amendment, adding $1.75 billion to the bill, violates the Budget Act because it does not offset the spending, it exceeds the subcommittee's allocation that is given to us, and at the appropriate time I will be constrained to make a point of order against the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I know we have been notified that one Senator is on the way over here to speak on this amendment before the Senator makes his point of order. We have at least one, maybe two Senators who wish to speak on this amendment.

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. BYRD. 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. BYRD. Mr. President, Senator COCHRAN has said there is no end to the list of homeland security needs. He is absolutely correct on that. We could list these security needs from now until Kingdom come. Additional needs can be found. So he is correct. But that does not mean the amendment I have offered is excessive. It does not mean the amendment is excessive. It is targeted to specific activities that Congress has approved.

As I said in the beginning, I named several pieces of legislation that have been approved and signed into law by the President, some of them with great fanfare. So Congress has approved these acts, and the President has signed them into law.

The chairman is correct in stating the progress we have made in hiring Border Patrol agents and inspectors. But that leaves us nearly 1,500 inspectors short of the goal established in the PATRIOT Act. The President signed that law.

Are we serious or are we not serious about meeting the goals set forth in these acts? My amendment would provide the resources to meet the goals that have been set forth in the acts by Congress, the acts that have been signed by the President.

It has also been noted that the bill already includes $150 million for port security grants. But the Coast Guard has estimated that it will cost $1.1 billion in just the first year for the ports to implement the security plan that the Coast Guard issued on July 1, pursuant to the Maritime Transportation Security Act.

Who signed that act? The President signed it. Who issued the regulations? The Coast Guard. Are they serious or not about port security? Is the President serious? The amendment would result in less than $1 billion of total funding. This is less than the Coast Guard's $1.1 billion estimate.

Our distinguished chairman has said he tried to include a base level of funding for grants to equip and train our police, fire, and medical personnel. And I compliment the chairman. He has done a masterful job in writing the provisions in the bill we have before us, a masterful job in distributing the limited amounts that have been provided to the chairman and to the committee for distribution. He has sought to exercise good judgment. He has done so—with the limitations.

The problem is, we do not have enough funds to appropriately allocate to meet the needs of the country. But I do not believe that establishing a base level of funding is enough. When a nonpartisan organization such as the Council on Foreign Relations estimates a $98 billion shortfall over the next 5 years, I simply cannot understand why the committee funding level is enough. It is $434 million below the level available in fiscal year 2003.

With regard to funding chemical facilities security, the chairman notes there is significant funding in the bill for securing critical infrastructure. Yet, nearly 2 years after 9/11, we have no details—none—from the administration describing how these funds would be used. Secretary Ridge testified to the subcommittee that he believes that securing chemical facilities is the responsibility of the chemical industry.

I do not believe we should continue to wait for the administration to get its act together. We should not allow the budget resolution to artificially limit our ability to address known vulnerabilities in this country. Our citizens do not know about budget resolutions. Our citizens do not know about 302(b) allocations. But they do know they feel vulnerable to terrorist attacks that Secretary Ridge has said are inevitable.

Mr. President, the full committee conducted careful and extensive hearings last year. We had seven Department heads here before the committee. The committee membership was there. The committee hearings were well attended. Senator STEVENS and I carefully selected witnesses to appear before those hearings. There were Governors who appeared. There were mayors who appeared. There were members of county commissions who appeared. First responders appeared. Firemen, policemen, health personnel appeared at those hearings. And we have gone over those hearings carefully. The staff has gone over those hearings and painstakingly gleaned from the rich testimony that was submitted by these public officials and public servants. Based on those and subsequent hearings, we decided that these are needs that ought to be addressed. And so I have tried to address these needs in the amendment.

As I say, the amendment adds $1.75 billion. That would fund 42 hours of the Defense Department expenditures. The Defense Department will be spending $1 billion a day on the military—$1 billion a day. They are spending a billion dollars a week in Iraq. Why can't we spend $1.75 billion on the protection of our own people, and our industries here, the protection of our own infrastructure; $1.75 billion to defend the American people, to defend our infrastructure, to defend our ports, to meet the needs of our ports, $1.75 billion? We spend a $1 billion every 24 hours on our defense budget. Yet when it comes to defending this country, defending its infrastructure, then we say it is too much.

I hope Senators will support the motion to waive the point of order. As I close my remarks at this point, I thank the distinguished chairman for his characteristic courtesy and also for his proficiency, his professional handling of this bill and the hearings. He attended the hearings, started them on time, and asked incisive questions. He is always fair to those on the minority side. I have nothing but praise for him. And I thank the cosponsors of the amendment. I must state again, however, that I feel the need for adding appropriations as I am attempting to do here.

A stitch in time saves nine. There is no question in my mind but that we are underfunding the homeland security needs. The Senator has done the best he could with the limited amount of moneys, but there is no good reason why we can't add moneys to this bill. We have to overcome the point of order, of course. There is a 60-vote point of order. That is difficult. But Senators may come to rejoice in having voted for this amendment. Who knows?

I see the distinguished Senator from New York, Mrs. CLINTON.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from New York.

Mrs. CLINTON. Mr. President, I thank my good friend, the ranking member of the Senate Homeland Security Appropriations Subcommittee and of the full committee, the Senator from West Virginia, for his constancy in sounding the alarm. He is the Paul Revere of the homeland security debate. Because every time we come to the floor to debate and consider provisions that we believe will make our country safer, the Senator from West Virginia is there sounding the alarm.

This time I hope our colleagues on both sides of the aisle will respond to that alarm which he has once again sounded, because his amendment reflects a full and complete understanding of what we know, what the experts tell us is absolutely essential to meeting the homeland security needs of our Nation.

As has already been referred to in many different settings, the amendment the Senator presents to us contains the best thinking of people who

have considered our vulnerabilities and have honestly assessed what it will cost so we can look into the eyes of our constituents and say: We have done the best we knew to do.

Recently the independent Homeland Security Task Force of the Council on Foreign Relations, a task force chaired by former Senator Warren Rudman, issued its third report regarding the state of our homeland defense. While the report noted that we had made progress and that positive action in a number of areas had occurred since September 11, there was still much to be done and we remained woefully unprepared.

The report, ''First Responders: Drastically Underfunded, Dangerously Unprepared,'' says it all in its title. It reminds us as to how much work we truly have in front of us if we intend to address these needs honestly and to equip our frontline homeland defenders with the resources they desperately need.

DRASTICALLY UNDERFUNDED, DANGEROUSLY UNPREPARED

The United States has not reached a sufficient national level of emergency preparedness and remains dangerously unprepared to handle a catastrophic attack on American soil, particularly one involving chemical, biological, radiological, or nuclear agents, or coordinated high-impact conventional means.

How much more specific and dramatic a conclusion from independent experts do we need to have before we act to pass overwhelmingly the amendment that has been presented to us?

The report also emphasizes the pivotal and primary role our first responders play in our national homeland defense:

America's local emergency responders—

We are talking about our police officers, our firefighters, our EMTs, and others who are on the front line, who need to be given the resources that will equip them to prevent horrific attacks, as well as to respond—

will always be the first to confront a terrorist incident and will play the central role in imagining its immediate consequences. . . . the United States—

Namely, the U.S. Government, not the New York State government, or the New York City government, or the Buffalo government, or the West Virginia government, but the United States Government—

has both a responsibility and a critical need too provide them [our first responders] with equipment, training, and other necessary resources to do their jobs safely and effectively.

Again, I don't know how much more specific we need to be. The efforts of these first responders in the minutes and hours following an attack will be critical to saving lives, reestablishing order, and preventing mass panic.

The report speaks about the heroic police and fire professionals who entered the World Trade Center on September 11. They acknowledge what all of us saw: that our emergency responders will be there; they will answer the call; they will perform their duties. What will we do for them?

In providing just a few examples of the needs of these brave police officers and firefighters and EMTs that are unmet, I have picked a few very representative, dramatic examples from the report:

Two-thirds of our fire departments do not meet the consensus fire service standard for minimum safe staffing levels.

On average, fire departments across the country have only enough radios to equip half the firefighters on a shift, and breathing apparatuses for only one-third. Only 10 percent of fire departments in the United States have the personnel and equipment to respond to a building collapse.

Most States' public health labs still lack basic equipment and expertise to respond adequately to a chemical or biological attack. Seventy-five percent of State laboratories report being overwhelmed by too many testing requests.

Most cities do not have the necessary equipment to determine what kind of hazardous materials emergency responders may be facing.

Police departments in cities across the country do not have the protective gear to safely secure a site following an attack using weapons of mass destruction.

I read these statistics, but I also know firsthand from speaking to police officers and firefighters, police chiefs and fire commissioners, and others throughout New York who tell me exactly what we were reading here from this report.

Now, I have to say it is troubling to me that, while we know we have not done enough to equip and fund and provide the resources needed by our first responders, we are seeing, because of budget constraints, cities and counties cutting back on their personnel. According to the International City-County Management Association, the average number of full-time, paid police employees for jurisdictions between 250,000 and 500,000 residents, today, is 16 percent below the figure for 2001. Why is anyone surprised by that? We have seen countless stories about the budget cutbacks that States and counties and cities are experiencing.

Police departments and fire departments are not immune. In the city of New York, after the heroic, incredible performance of these brave firefighters, they watched helplessly as fire stations were closed. So this is something that we know is happening. So not only are we failing to fully fund our first responders, we are seeing the numbers cut back.

When you think about what this report tells us and what the estimate is as to what is necessary for us to protect ourselves, clearly, we are asking that we honestly assess where we are and the funding that is needed. The report says we need approximately $100 billion over the next 5 years—approximately $20 billion a year for 5 years. We spend $5 billion a month in Iraq and Afghanistan. We are asking for 4 months of the expenditures of those two military actions and postconflict activities to make sure we are safe here at home.

These preliminary figures are based on the assessments that are coming directly from first responders and from communities. They were developed in partnership with the Concord Coalition and the Center for Strategic and Budgetary Assessment. It may be conservative, but it is the best assessment we could find.

First, it assumes, however, that State and local governments will continue to spend somewhere between $26 billion and $76 billion of their own funds for homeland security over the next 5 years.

Second, in looking at specific needs, particularly the need for a communications system that actually works and includes everybody, the task force erred on the side of conservative figures they obtained from communications policy experts.

Third, many law enforcement associations could not even assess their own needs. They don't have time to stop and do a survey or try to hire a consultant. So they did the best they could in assessing what they thought their needs were. Clearly, as the task force has pointed out, we should have a thorough national needs assessment. Under Senator BYRD's leadership, he did hold very thorough hearings out of which we got some specific information, and we need to continue a comprehensive needs assessment so that we do know what our needs are so that we can better plan how to meet them.

We certainly would not do for our men and women in uniform what we do for our men and women in uniform at home. I have the honor of serving on the Armed Services Committee. It is a painstaking process to determine what our troops need and how to best plan that they can be protected. I am very proud of that process.

I think it is time we did the same for our front-line defenders, our soldiers in the war against terrorism here at home—primarily our police officers, our firefighters, and our EMTs.

Among the many things we need to be doing, the task force concludes—and I agree—is to create those interoperable communications systems so that first responders can communicate seamlessly across borders, between police and firefighters, and certainly across borders of jurisdictions. We need to extend nationally the Emergency 911 system. I am very proud to be working with my colleague from Montana, Senator BURNS, on groundbreaking legislation to extend the E–911 system. I think it will certainly move us forward as long as we fund it.

We need to enhance our urban search and rescue capabilities. We need to enhance our public health preparedness, particularly by strengthening and expanding the quality and number of laboratories that can track diseases, that can quickly diagnose some kind of biological, chemical, or radiological event.

This report reflects what I hear from all over New York and, of course, from all over the country, whether you are in Los Angeles, where every time the terror alert goes to orange, it costs that city $1.5 million a week and another $1 million a week to protect the Los Angeles International Airport; or whether you are in Denver, a city that has incurred many millions of dollars for emergency preparedness and has purchased mobile emergency equipment but still doesn't have an adequate communications system; or whether you are in Douglas County, NE, which needs resources to buy protective suits for first responders, this is a national problem. Certainly in New York, I know firsthand how inadequately funded many of our brave men and women are.

I know that under the leadership of the chairman of the Homeland Security Appropriations Subcommittee, whom I commend, the committee has worked very hard to come up with a good bill and, given the budgetary constraints under which the committee has operated, they have done an incredible job.

The problem is that the budget resolution we adopted last spring did not adequately reflect the real costs of homeland security. That is why the Senator from West Virginia has an amendment which more honestly assesses those needs. It provides an additional $1.7 billion: $729.5 million for first responders; $602 million for maritime and land security; $238 million for border security; $100 million for air cargo security; and $80 million for chemical facility security.

It is hard to argue with the EPA's own figures that we have 123 chemical facilities located throughout the Nation that have toxic worst-case scenarios where more than 1 million people would be in the so-called vulnerable zone and could be at risk of exposure to a cloud of toxic gas.

Remember the terrible accident in Bhopal, India? Remember that? We have 123 chemical facilities that could produce this kind of extraordinary horror.

We have 600 facilities that could threaten between 100,000 and 1 million people, and 2,300 more that would threaten between 10,000 and 100,000 people in these so-called vulnerable zones.

When I read statistics such as that, it has to make one feel vulnerable, and it certainly makes me, as a Senator with responsibility for my constituents, sick at heart. I do not think any of us want to see these scenarios ever come true and, thank goodness, we have been spared that since September 11.

But that is not the way a great country plans to defend itself. If that were the case, we could have shut down our entire military. After the War of 1812, we could have just said forget it. After the Civil War, we could have said forget it. We could say we do not think we will ever have anything bad in the world happen again, so let's just send everybody home. Let's just let the tanks rust. Let's just give up preparing for the worst-case scenario which will more than likely make it possible for us to avoid such an occurrence.

That is what we are doing when it comes to homeland security. The Congressional Budget Office estimated it will take $80 million to conduct vulnerability assessments associated with our chemical plants. This amendment provides the money for that purpose.

Regarding the first responder funding in the Byrd amendment, there is additional money for State and local grants, $250 million, and I especially appreciate an additional $250 million for high-threat urban area grants; $150 million for FIRE Act grants so we can fund the program fully at the authorized level; and, finally, $79.5 million for the interoperable communications equipment I have talked about in this Chamber so many times since September 11.

We learned tragically that our police and fire departments could not talk with each other. We learned that people coming to our rescue to assist us could not communicate with the New York City police and fire departments.

Later in the debate, I will talk about State and local grants and how important they are and how strongly I believe the Department of Homeland Security and Secretary Ridge should disburse those funds using a threat base rather than a per capita formula. Right now I want to underscore how important it is to get more money into this high-threat urban area category.

In January, I gave a speech at the John Jay College of Criminal Justice in New York City. In that speech, I made some recommendations and released a survey about what I had found as I surveyed cities and counties throughout my State: Seventy percent of New York cities and counties had not received any Federal homeland security funding since September 11. Since January, some money has come forward; more has been appropriated.

But I was in Buffalo, NY, on Sunday speaking with the mayor. They have not received a penny of the money we have appropriated. It is either tied up in Washington or it is tied up in the State capital.

Either explanation is, to me, unacceptable. We need to do more, and in that speech I called for a domestic defense fund.

In March, I proposed that we provide direct funding and we include $1 billion for high-threat urban areas. Later that month, I offered an amendment to the budget resolution that would have provided funding for the domestic defense fund, including the $1 billion for high-threat urban areas for fiscal year 2003. Unfortunately, the amendment was narrowly defeated but at least we began a dialog and a debate about high-threat areas with critical infrastructure, with dense populations.

We are making some progress and, in fact, the supplemental we considered for funding the action in Iraq in April did include $700 million for high-threat urban areas. I thank my colleagues for that funding. I think we all recognize how critical that funding is.

The Department of Homeland Security has begun to allocate high-threat funding based on factors such as credible threat, vulnerability, population, mutual aid agreements, and identified needs of public agencies. And many communities, not just New York and Washington but Houston, Chicago, Los Angeles, Cincinnati, Kansas City, New Orleans, Memphis, Cleveland, Charleston, among others, across our country have received this high-threat funding. This will help us shore up our defenses against our most vulnerable targets.

Regarding New York, I would give anything if terrorists did not have such an interest in New York but we have to accept that reality. New York is such a symbol of our Nation. It is such an incredibly diverse, dynamic place, the most fascinating and exciting city in the world, and it is going to draw that kind of attention. Therefore, we need the support we have been getting and that the Byrd amendment will provide in additional funding that, believe me, we can put to good use.

In recent articles that have appeared in national newspapers, such as USA Today, I read about communities that got homeland security funding and did not know what to do with it. I said: If you really do not know what to do with the money, send it to New York; we have more needs than we can possibly meet.

If we are serious about defending our Nation, then we have to be serious about putting money behind that commitment. What the Byrd amendment does is to say very straightforwardly: We have not done enough. We may have done all we could within the constraints of the budget resolution, and for that I commend the chairman and the ranking member, but the budget resolution was inadequate.

We do not have a budget resolution for our military and occupational expenses in Iraq and Afghanistan. They are not even in the budget. There is not one penny. We passed a $398 billion defense budget last week and there is not one penny for Iraq and Afghanistan.

We did not worry about the budget resolution when it came to supporting our troops. We did what we thought we had to do. Well, we should do the same when it comes to protecting us at home. How on Earth can we do less?

So, yes, we have made some progress since we were attacked. How could we not? How negligent would we have been if we had not done what at least we have started to try to achieve in providing more support? But we have not done nearly enough.

History will judge us harshly if we are found wanting when it comes to defending ourselves on our own soil.

So I hope for the sake of our country, for the sake of our citizens, we will listen to former Senator Warren Rudman

and the task force, we will listen to the distinguished Senator from West Virginia, and we will do our duty, we will vote for the Byrd amendment, and we will send a clear signal to friend and foe alike that we intend to prevent, in every way possible, any further terrorism on our shores. But if anyone dares to take us on, we intend to be ready.

Mr. REID. Will the Senator yield for a question?

Mrs. CLINTON. Yes.

Mr. REID. I appreciate very much the statement of the Senator from New York. Senator BYRD and I were talking earlier. No State has suffered as did New York as a result of the September 11 incident. We all know that. But I bring to the Senator's attention that I offered an amendment earlier today saying that one of the facts that should be taken into consideration is how many tourists are in the community within any given time. Of course, New York is a tourist-oriented community. People are there all the time for various reasons—conventions, just wanting to see the Big Apple. Even today that is in fact the case.

One of the facts I brought to the attention of the Senate the other day is that in Las Vegas, on any given day, there are about 300,000 tourists, and the Senator would agree, I am sure, that the people of Las Vegas—law enforcement, fire, emergency medical responders, first-line responders generally—have as much of an obligation to take care of someone visiting Las Vegas from New York as they do someone who lives there on a full-time basis. The Senator would agree with that, would she not?

Mrs. CLINTON. I certainly would agree with the Senator from Nevada. I believe that is a factor that Secretary Ridge should consider in a threat-based formula where we have large crowds of people who come for attractions such as those that the Senator has in Las Vegas or we have in New York City and certainly other places around our country. That should be taken into account because our police officers, our firefighters are constantly on duty because there is a constant stream of people coming from all over the world to enjoy the attractions.

Mr. REID. I also ask the Senator this: One of the other considerations I brought to the attention of the Senate is that on any given day in Las Vegas there are about 75,000 people from foreign countries. But in looking at some of the statistics I have, even though we have almost 2½ million people who visit Las Vegas yearly who come from other countries, New York City—not the State of New York but New York City—has 5½ million people who come from foreign countries to visit. So on any given day in New York City, instead of the 75,000 we have in Las Vegas, the Senator has 150,000, approximately.

Now, would the Senator agree that someone who is visiting New York City from Turkey, Germany, or Japan, the first-line responders have an obligation to make sure they are taken care of in the event of an emergency just as someone who is a New York resident?

Mrs. CLINTON. I certainly do agree with that.

Mr. REID. I hope there is some consideration given to people who are in New York City, Las Vegas, all of the States—Orlando, FL, where we have Disney World—that have these large numbers of tourists come from various parts of our country and around the world, and I hope the American people understand that. I compliment the Senator from New York for her outstanding statement in bringing to the attention of the people of this country and the Senate the information that only can come from someone who represents the State of New York.

Mrs. CLINTON. I thank the Senator from Nevada.

Mr. BYRD. Mr. President, will the Senator yield?

Mrs. CLINTON. Certainly.

Mr. BYRD. Mr. President, I want to thank the very distinguished Senator from New York, Mrs. CLINTON, on the ringing defense of the provisions that are set forth in the amendment that I and several other Senators are cosponsoring. I do not think any Senator could come to this floor with better credentials than those of the Senator from New York, Mrs. CLINTON. She represents the State and the city that was the hardest hit by the terrorist attacks on 9/11. There is only one other State and one other jurisdiction that suffered, but she has made an extraordinary plea coming from the experiences that she has suffered as a result of 9/11.

I was chairman of the Appropriations Committee in the Senate, and she came to my office not once, not twice, not three times but many times in support of the appropriations that the Senate was considering and that the Senate finally enacted. She had a great impact on me as we sat and talked and as I listened to her recount the problems of her city, the problems of New York City and of New York State that resulted from those attacks.

So I thank her for her support of the amendment and say that no one in the Senate could have made a finer statement in support, and no one in the Senate would better understand the needs the American people have as we try to prepare against any future terrorist attacks. I thank her and her staff for the excellent effort they have put into this matter.

I yield the floor.

Mrs. CLINTON. I thank the Senator from West Virginia and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in strong support of the Byrd amendment. The Senator from West Virginia has clearly identified that there are inadequate resources being devoted to homeland security, and the paramount concern and responsibility of this body is to protect the homeland. We have to do that. It cannot simply be protected by rhetoric. There have to be real resources applied to the task.

In the wake of 9/11, this Congress laid out very clearly and very deliberately, after much consideration and consultation, major legislation such as the 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. All of these legislative pronouncements laid out a framework to secure our homeland and, as Senator BYRD points out, we are not living up to the requirements that were clearly identified by that legislation in terms of appropriations.

Specifically addressed by Senator BYRD's amendment is a shortfall in seaports, Coast Guard, and land transit security of $602 million; police, fire, and emergency medical teams of $729.5 million; security at United States borders with Canada and Mexico of $238.5 million; air cargo security, $100 million; and chemical facility security, $80 million.

Now, all of these protections are imperative because what we have discovered from those who wish us ill—terrorist cells—is first they are sophisticated; second, they are ruthless; and third, they tend to strike at areas which are the least protected, not the most protected.

We have made significant improvements in our air transportation system in terms of passenger travel, screening passengers, and I do not think most security consultants would say that would be the primary route of a new attack against us. We still have miles to go with respect to seaport security, maritime security, security at the borders, air cargo security. Again, given the nature of our opponents, our adversaries, it is likely they would look to these places, rather than areas we have reinforced or fortified, to launch another attack.

The Transportation Security Agency, as we all know, is responsible for all modes of transportation security. Yet the TSA, as I have suggested, has focused almost exclusively on our air transportation system with passenger travel throughout the United States and throughout the world. With a $4.8 billion budget, TSA has committed only $86 million for maritime and land security activities in this budget proposed by the administration. In contrast, $4.3 billion was requested for aviation security. In fact, the budget requests for administrative costs at TSA, their headquarters and the mission support centers, consist of amounts to $218 million, 2.5 times greater than the total request for maritime and land security activities.

As a result, the budget proposed by the President, the budget Senator BYRD seeks to amend, does not fully recognize the potential threats to our

ports, to our interstate buses, trucks that carry hazardous material, trains, our transit system, chemical factories—and the list, unfortunately, is longer.

Let me for a moment concentrate on one area of particular concern; that is, public transit. In the last Congress, I had the opportunity, responsibility, and privilege of being the chairman of the subcommittee in the Banking Committee that dealt with transit issues. We had several hearings with respect to numerous transit issues but particularly with respect to transit security. We found, and the GAO verified, there is a huge demand for resources to protect our transit systems, our subway systems, our bus systems. This bill hardly measures up to that.

The Byrd amendment—and I commend the Senator—would increase our efforts in transit security by $57 million. Frankly, based upon the testimony I heard last year before my committee, this is literally the proverbial drop in the bucket. There are some estimates—one by the American Public Transportation Association—that the needs for transit security through all the transit systems in this country would amount to $6 billion, primarily in the areas of communication, surveillance, detection systems, personnel, and training.

For the benefit of my colleagues, I will state that in the wake of the tragedy of 9/11, there was something remarkable taking place that minimized our casualities both in New York City and in Washington, DC. Particularly in Washington, DC, the subway system was the major source or route of evacuation for literally thousands and thousands of people. This system in Washington has been the beneficiary of a great deal of attention. It might be because of the proximity to the appropriators but, indeed, it had effective communications, it had a well-managed and well-trained group of operators, and they were able to move people literally underneath the Pentagon even though that building had been attacked. In New York City, the transit operators, these individual transit police officers and station masters, were able successfully to evacuate the subways and move people out because of communication systems, because of training, because of the infrastructure already there.

Those two systems—New York City and Washington, DC—are some of the most sophisticated in the country. Other parts of the country, other areas do not have the communication systems; they do not have the training; they do not have the expertise. That would go for probably every system, to varying degrees, throughout my country.

In my home State of Rhode Island, we have a statewide bus system, which is a good system, but they would be the first to say they need more training; they need more communications equipment; they need redundant communication systems in the event of an emergency so they can get through to the operators and the operators can get through to their dispatchers and controllers. That is just one example of the tremendous need for help for transit security.

There are approximately 6,000 transit agencies in the United States. These transit agencies provide over 9 billion trips per year, representing 43 billion passenger miles.

Yet there is very minimal funding in this bill for transit security.

Once again, if you believe, as I, that our adversaries are cunning, ruthless, and will strike at the most vulnerable portions of our country, transit is a target that I am sure is being considered. We have to do something to protect our riders, the literally millions of riders a year.

I hope we can support enthusiastically the Byrd amendment. It would represent a significant increase in our homeland security. It would address the areas that have been neglected in this bill sent to us by the administration.

Once again I emphasize, particularly in the area of transit security, even if we were to pass the Byrd amendment, if we wanted to ensure that all of our transit systems have the most up-to-date equipment and communications, that all of their personnel were well trained, we would be talking not about an additional several million dollars but we would be talking about literally billions of dollars.

I commend the Senator from West Virginia for his leadership. This is not the first time he has come to this floor to argue eloquently and passionately that we should defend our homeland. I am sure it will not be the last. I hope we can support this amendment.

Mr. BYRD. Will the Senator yield?

Mr. REED. I yield.

Mr. BYRD. Let me express my appreciation to the Senator for his support of the amendment; more than that, for his steadfast support of the appropriations as we have dealt with this problem time and again on the floor.

The Senator, as is Senator CLINTON, is a member of the Armed Services Committee, and his support for this amendment tells a lot. Here is the support of two Senators on the Armed Services Committee. They have been on there quite a while. They have seniority.

The Senator from Rhode Island is an outstanding member of the committee. I deeply appreciate his support of this amendment. I appreciate his patriotism and his eloquence and support of preparing this country against such attacks as it was subjected to on September 11, 2001.

Mr. REED. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I appreciate the indulgence of the Members. I thank the distinguished Senator from Mississippi for giving me an opportunity to spend a few minutes before making a motion on the amendment offered by the distinguished Senator from West Virginia, Mr. BYRD, to give me a chance to express my views on this amendment and to begin by thanking my seatmate and colleague of these many years for offering this amendment. Once again, his eloquence and his leadership and his vision are giving this body an opportunity to do something right for the American people.

We have all felt the sense of anxiety in this country since the startling events of September 11, 2001. There have certainly been no limits to the number of speeches given to the importance of making our Nation more secure, taking steps to see to it that our airports, our harbors, our borders, receive the kind of support and backing needed to keep this Nation as secure as we possibly can be, with the full understanding that as a nation, an open society, a nation where freedom and liberties are extended to all, this is not an easy path to walk—to be an open, free nation and simultaneously to be more secure. How we balance those interests requires a great deal of thought, a great deal of work.

The Senator is offering a reflection of what has been suggested by the Council on Foreign Relations in the report analyzing where we are today, 2 years after the events of September 11.

To quote the authors of that report, we are ''still dangerously unprepared, underfunded for a catastrophic terrorist attack.''

I think we ought to take their words to heart and we ought to do what we can to see to it that first responders—our fire departments, our police departments—are going to receive the kind of backing and support they ought to be getting from the Federal Government.

What the distinguished Senator from West Virginia is offering is a modest proposal. The money is not significant, I know that. But when you consider the gap that exists—the Council on Foreign Relations suggests that we are underfunding first responders by more than $98 billion. That is a huge amount of money. But if you go even further, reading the report, the number actually is twice that amount when you consider what needs to be done at other levels of government as well, to maximize our protection.

Unfortunately, we are coming way short of that number. So while we talk about this issue and identify the various problems that exist, this 62-page report, released on Monday, points out that we have a lot more work to do.

Senator BYRD has offered us an opportunity to close some of that gap. That is all, it is just some of this gap that will be closed by his amendment. I am disturbed that we are not going to be doing more. I fully support what the Senator from West Virginia is offering, but I think the American public would expect more. I suspect most did not have an opportunity to read this report or even hear news reports about it. But

as certainly as I am standing here today, there are going to be events that will come. I wish I didn't have to say that, but I think all of us know that to be the case. From what we are witnessing in Iraq today, what we have seen in Liberia, what we have seen in various targets around the globe, none of us should operate under the illusion that we are going to be immune from any future attacks because of what we have done since 9/11.

There are those gathered in places around the globe, as I share these words this afternoon, who are planning to attack this country, whether abroad or at home. They are planning it. Be certain of it. They are going to look for the opportunities to do us great harm and great damage. Any conclusion other than that would be foolhardy. They are doing it, and the question is, What are we doing to see to it that we are maximizing the protection of the people we have been charged to represent?

The painful conclusion is that we are not doing enough yet. Obviously, we cannot do this all at once, but we have a report telling us that after 2 years we are still woefully short of meeting those obligations. We have an opportunity. We have to make choices here. They are not comfortable choices, but we need to make these choices.

The time will come when a judgment will be made, and the question will be asked of us: What did you do, when you knew better? You were being told over and over again that you hadn't done enough yet. What did you do on that day in July, prior to your August break, when you were given an opportunity by the Byrd amendment to invest more resources to make these first responders better prepared? Where were you? How did you cast your vote?

Because the memories of 9/11, even after just 2 years, seem to be fading, it would be a catastrophic and tragic mistake, in my view, not to heed the counsel and advice of my colleague from West Virginia and step up and do what is right here and provide backing. I hope for unanimous support for this amendment. I cannot think of a more important or meaningful message we can send that we are prepared to take whatever steps are necessary to maximize the protections of our people within constitutional limitations.

My fear is the less we do along the lines suggested by the Senator from West Virginia, the more likely we are to take steps to limit the freedoms of average Americans. That seems to be the direction we are heading, to restrain or prevent individuals from doing certain things or examining or investigating individual people, rather than to strengthen the first responders and provide more harbor protection, to see to it our harbors and ports are going to be better protected.

Senator BYRD is offering us an opportunity, in a modest way, to answer that question that history will ask of us at some point. When you knew you were likely to be attacked again, when you knew you were likely to be victimized by terrorists, on that day in July when you were asked to make a choice to do more, to step to the plate, how did you cast your ballot? How did you represent your constituents when confronted with that choice? Senator BYRD is providing that opportunity to us this afternoon, and I hope our colleagues will join me in supporting this amendment to take a modest step, and that is all this is, to answer the deep concerns that have been expressed by our former colleague, Warren Rudman, and other individuals who prepared this report for the Council on Foreign Relations.

This report is a serious document. These are serious conclusions reached by serious individuals who have done their homework. This is not a political document. It is a document that lays out, chapter and verse, where the shortcomings are and what needs to be done by this National Government to try to close these gaps. Senator BYRD is offering us that chance to do it.

I thank him profoundly for this suggestion that he has made to us. I am going to have several amendments myself later on in this debate to deal with fire departments across the country to increase, if we can, the resources to see to it they can have the tools necessary to respond to the challenges they will see. This amendment is more comprehensive, the amendment being offered by Senator BYRD. We will have other suggestions to make as well. But this is the first opportunity for us to say that our memories have not faded.

While others may focus on other events as they captivate the attention of the media, we remember what happened on 9/11. While there is no certainty we can stop it from happening again, we want to take the steps necessary to see to it that we make it that much harder for those who would do us harm to achieve their goals.

For those reasons, I strongly endorse this amendment and urge my colleagues to do likewise by casting a vote in favor of the Byrd amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

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

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I realize this is not debatable. I shall shortly move to waive the point of order, which will be debatable, not that I intend to take long in debating it. But if the Chair will indulge me momentarily, I want to thank Senator DODD for his very forceful and cogent and persuasive statement in support of the amendment. He is extremely eloquent. He intends to follow up this statement after a little while with an amendment of his own. But I thank him profusely, without being profuse, for an excellent, excellent statement. I believe his perspicacity will be rewarded in time. I believe it will be. I know the American people are better off for having him in the Senate and for the support he has given to this amendment. I hope the Senate will prevail in support of the statement of the Senator from Connecticut.

Now, Mr. President, 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 (Mr. ALEXANDER). Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there debate on the motion to waive?

Mr. REID. Mr. President, I know the Senator from Mississippi has been very patient today. We have one additional Senator who says he is on his way. I am confident he is. So if the Senator from Mississippi would be patient, he should be here shortly.

I note the absence of a quorum.

Mr. BYRD. Mr. President, will the Senator withhold?

Mr. REID. I am happy to withhold. Of course I will.

Mr. BYRD. Mr. President, while Senator NELSON is coming to the floor, let me just remind my colleagues that I offered an amendment last January to add $5 billion to the omnibus appropriations bill for 2003 for homeland security programs such as port security, nuclear security, airport security, and first responders. The White House labeled the amendment as extraneous spending and the amendment was defeated.

So what happened? Ten weeks later, the White House requested a $4.4 billion supplemental. And a month later, Congress approved $5.1 billion of supplemental homeland security funding. So the White House was a day late and several hundred million dollars short. All the White House accomplished was the delay of critical homeland security investments for 3 months.

That was a repeat of the same old tune we heard from the White House at the time Senator STEVENS and I wrote a letter to the White House and to Secretary Ridge urging that there be more money for homeland security. Secretary Ridge responded with a letter to Senator STEVENS and to me saying that the White House believed that our amendment was extraneous for the moment and that the White House would be submitting its own request in due time.

So it seems that whenever we have attempted to offer legislation to protect our own country, to protect the people of the country, to protect the infrastructure of the country, to protect the industries of the country from attack, the administration always says it does not need these moneys and that in due time it will submit its own request. And so that seems to be the record today.

Today we are debating an amendment to add just $1.75 billion for homeland security. And the majority, speaking for the administration, says the amendment is too large. Mr. President, history has a way of repeating itself. The Senate should approve this amendment today. The Senate should not wait for the White House to recognize real homeland security vulnerabilities. Delay does not make the Nation more secure.

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. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I rise to speak on behalf of the amendment offered by the Senator from West Virginia.

There are a lot of important reasons to enact this amendment. There is no greater calling for the National Government now than to protect the homeland. We see all the instability in the world and the fact that Iraq has now become a magnet for a lot of bad guys in all the world who want to do damage to the United States. In Iraq, almost one American soldier a day is being assassinated.

By the way, the assassinations are taking place in three different ways. On the eve of my arrival, 2 weeks ago, in Baghdad, very sadly and unfortunately, one of our Florida National Guard soldiers from Gainesville was assassinated. In this particular case, the soldier was on guard duty for a delegation that had gone to a meeting at the university. And in the hubbub of all the crowds at the university, this soldier was standing guard for the party that was meeting. The soldier was vulnerable because of the crowds. And our soldiers are vulnerable between that position and that position—being the upper part of the body armor, the Kevlar, and the helmet. And, in this particular case, in the hubbub of that crowd, someone tapped that soldier on the shoulder. He turned around, and he was shot in the face. That is one method of assassination.

Another method is to use a landmine with a remote control device, and usually a landmine placed on a part of a road where the road narrows, so when the convoy comes along that area, the landmine can be detonated. And it is usually targeted at a lightly armored vehicle such as a humvee. We have had that happen a number of times.

And then a third method, which has been used more frequently recently, is the use of the rocket-propelled grenades. In the case of the soldiers last night who were assassinated, it was being fired from a position behind bushes, near a roadside.

But another method is where a convoy is moving out, and they are moving rapidly, and someone on a downtown street tries to insert into that convoy and then shoots an RPG either at the vehicle in front of them or to the rear of them.

So, clearly, there is a lot of trauma and mischief that is going on in that part of the world. But it is a foretelling of what people want to do to the United States. It is not just the Fedayeen and it is not just the Baathists and it is not just the Saddam loyalists. Iraq is now attracting outsiders who want to do damage to the United States.

So if they target there, clearly they are going to be targeting here as well. This, by the way, is another reason, when we try to protect ourselves against terrorists, our protection is only so good as the timeliness of our intelligence and the accuracy of our intelligence. Does that ring a bell? And I hope we get through all of that and get it straightened out as well.

But the issue before us is the protection of the homeland. You cannot protect the homeland on the cheap. If the question is how we allocate the moneys—if it should go to tax cuts or protecting the homeland—then that gets to be a pretty simple answer. The people want the homeland protected.

Although there is some measure of protection that is offered, now Senator BYRD has offered additional protection. The debate has already been held, and I will not repeat, except to emphasize one thought: Florida, my State, has 15 deepwater ports. It is a place of great vulnerability because of all the containers that come into this country, only 2 to 3 percent of them are checked.

If we are looking for weapons as easily concealed, for example, as a shoulder-mounted heat-seeking missile that can bring down a commercial airliner, how easy that is to slip into the country in a container in port. Senator BYRD is offering a total of $610 million, $460 million over the existing $150 million in the bill, for expenses for port security. I can tell you every one of those port managers in my State—and I think I can speak also for the other ports of the other States—are strapped with so many expenses. They desperately need additional help for security at their ports.

I rest my case. It is a matter of common sense in the protection of the homeland. I have only spoken about one part of the appropriations in this amendment. I encourage our colleagues to support Senator BYRD's amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the hour has gotten late and the vote is nearly upon us, but I did not want this opportunity to pass by without commending my colleague from West Virginia on his amendment. When we talk about the need for homeland security and the efforts to safeguard the American people, Senator BYRD has been leading the charge here in the Senate, and here in Washington, every step of the way for the past 22 months. Tonight he again reminds us about putting the Nation's priorities in order. As he rightly argues, an additional $1.8 billion for increased port security, enhanced chemical and electrical security, and additional aid to our first responders struggling out there to protect Americans is no burden, it is an imperative.

In the past several days, as I have prepared for this debate, I have had the opportunity to follow up with mayors across Massachusetts to see how they are coming along in their efforts to protect their citizens. They are working hard, and they are doing their best, but they are not getting the help they need. Mayor Ed Lambert in Fall River, MA, has, to date, only gotten $150,000 to protect his city of 95,000. One-hundred and fifty thousand dollars for a city that has had to reduce its police force by more than 30 police officers. He has the responsibility to protect an extremely important reservoir that serves 200,000 citizens of Southeastern Massachusetts and $150,000 doesn't get him very far.

The Mayor of Holyoke, MA, Mike Sullivan, didn't even fare that well. His city is home to one of the nerve centers of the Northeast's electricity grid. And yet he has gotten no homeland security assistance to date to help defray the costs of protecting this piece of critical infrastructure which his police force constantly monitors. He has also gotten no instruction from the federal government regarding what he should be doing to keep it safe and secure.

So if any of our colleagues wonder what is happening in the homeland or questioning whether first responders in their cities and towns need help, I recommend that they simply pick up the phone and call their mayors. The mayors and local officials will tell them what an extraordinary need there is. They will also tell them of the great pressure and anxiety they feel to try to do more to protect the public's safety at a time when most of them are wrestling with crushing and unprecedented budget shortfalls.

This amendment makes an important downpayment, and sends a strong signal to mayors and first responders across the country. It says that the U.S. Senate knows that more needs to be done, that not enough is being done, and that we are prepared to begin helping you meet the awesome challenges you face. I thank the Senator from West Virginia for standing firm on this amendment, and for all he has done to force our government to recognize and address the extraordinary homeland security needs confronting this nation. I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Florida, Mr. NELSON, and I thank the distinguished Senator from Massachusetts, Mr. KENNEDY, for their excellent statements. I thank them for supporting the amendment. I hope the

Senate will vote to waive the point of order.

The PRESIDING OFFICER. Is there further debate on the motion to waive?

If not, 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 Idaho (Mr. CRAPO) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Vermont (Mr. LEAHY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. LEAHY) would each vote ''yea.''

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

The yeas and nays resulted—yeas 43, nays 50, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—43

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

NAYS—50

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

NOT VOTING—7

Crapo	Graham (FL)	Lieberman
Domenici	Kerry	
Edwards	Leahy	

The PRESIDING OFFICER. On this question, the yeas are 43 and the nays are 50. 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. The amendment falls.

NATIONAL HAZARDOUS MATERIALS TRANSPORTATION MONITORING AND RESPONSE CENTER

Mr. REID. Mr. President, I thank the Senator from West Virginia, Mr. BYRD, for his work on this important Homeland Security appropriations bill. As the Senator knows, I am pleased that the bill we are discussing today includes within the Transportation Security Administration ''$13 million for the hazardous materials permit program and truck tracking system to provide for nationwide coverage.'' As you are aware, the Federal Government has issued warnings that terrorists may exploit the 800,000 daily hazardous waste and dangerous goods shipments in new attacks on the U.S.—either as weapons of mass destruction or in the manufacture of such weapons. So the funding you and Chairman COCHRAN have included in this bill is very timely and important.

Mr. BYRD. I agree this is important and timely funding for one of the many needs facing our Nation as we deal with terrorist threats.

Mr. REID. I want to ask the Senator if he is aware that the University of Nevada Las Vegas is working to initiate development of a National Hazardous Materials Transportation Monitoring and Response Center that would build upon existing commercially available satellite based nationwide truck monitoring and communications technology. The center would ensure a secure location for nationwide hazardous material truck monitoring. It would also link, for the first time, the ability to remotely identify an incident anywhere in the country with the ability to immediately alert the appropriate emergency responders and law enforcement officials.

Mr. BYRD. Yes, I understand this project is in development in Nevada. I encourage the Department to consider using a portion of the $13 million appropriated for hazardous materials tracking to help initiate the development of this project.

Mr. REID. I thank my colleague from West Virginia and the Chairman COCHRAN for their support of those efforts and look forward to working with the committee on this important issue.

Mr. NICKLES. Mr. President, I rise in support of H.R. 2555, the Homeland Security Appropriations bill for fiscal year 2004, as reported by the Senate Committee on Appropriations.

I want to commend the distinguished chairman and the ranking member for bringing the Senate a spending bill within the Subcommittees' 302(b) allocation. Moreover, they and their staffs need to be congratulated on reporting the very first Homeland Security Appropriations bill.

The pending bill provides $29.4 billion in total budget authority and $30.6 billion in total outlays for fiscal year 2004. For discretionary spending the Senate bill is at the subcommittee's 302(b) allocation for budget authority and outlays. The Senate bill is $1.4 billion in BA and outlays above the President's budget request.

The pending bill funds the programs of the Department of Homeland Security, including the Bureau of Customs and Border Protection, the Bureau of Immigration and Customs Enforcement, the U.S. Coast Guard, the Transportation Security Administration, the U.S. Secret Service, the Office for Domestic Preparedness, and several other offices and activities.

I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be in the RECORD.

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

H.R. 2555, DEPT. OF HOMELAND SECURITY APPROPRIATIONS, 2004; SPENDING COMPARISONS—SENATE-REPORTED BILL

(Fiscal year 2004, in millions of dollars)

	General purpose	Mandatory	Total
Senate-Reported Bill:			
Budget authority	28,521	831	29,352
Outlays	29,737	847	30,584
Senate Committee allocation:			
Budget authority	28,521	831	29,352
Outlays	29,737	847	30,584
2003 level:			
Budget authority	28,269	889	29,158
Outlays	27,558	818	28,376
President's request:			
Budget authority	27,114	831	27,945
Outlays	28,323	847	29,170
House-passed bill:			
Budget authority	29,411	831	30,242
Outlays	30,500	847	31,347
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority	.....	.....	.....
Outlays	.....	.....	.....
2003 level:			
Budget authority	252	(58)	194
Outlays	2,179	29	2,208
President's request:			
Budget authority	1,407	.....	1,407
Outlays	1,414	.....	1,414
House-passed bill:			
Budget authority	(890)	.....	(890)
Outlays	(763)	.....	(763)

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

MORNING BUSINESS

Mr. CORNYN. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business.

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

THE JUSTIFICATION FOR WAR

Mr. CORNYN. Mr. President, I rise to say a few words about the war in Iraq.

My recent visit to the Middle East confirmed that the largest obstacle to a free and prosperous Iraq is the significant number of people who still live in fear of Saddam Hussein and his sons. That is an understandable fear, considering the years of torture so many endured under the iron fist of the Hussein regime.

With today's news from Central Command of the deaths of Uday and Qusay Hussein, we are two steps closer to removing that fear, two steps closer to rebuilding a once-great nation, and two steps closer to ensuring lasting security and freedom for the Iraqi people. I thank all the dedicated men and women in our Armed Forces who helped make these two steps possible.

Throughout the past few weeks, we have heard some on this floor raise questions about the justification for the war in Iraq.