United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, WEDNESDAY, SEPTEMBER 8, 2004 No. 105

Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable LINDSEY O. GRAHAM, a Senator from the State of South Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord, You are the source of every good and perfect gift. You are our light and salvation. We will not fear. Thank You for Your goodness and forgiveness. You abound in steadfast love to all who call on You. Lord, sustain us as we put our trust completely in You. Keep us from those who stir up strife and enable us to live in peace. Lord, You know the things that overpower us and You have heard our cries. Thank You for Your deliverance, for keeping our feet from falling.

Bless our Senators and their staffs. May they walk before You in the light of life. Be gracious to them and gladden their spirits with Your eternal presence. Give them strength for this day's journey and surround them with Your favor. We pray this in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINDSEY O. GRAHAM led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 8, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINDSEY O. GRAHAM, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. GRAHAM of South Carolina thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will have 1 hour of morning business, with the first half of that time under the control of the Democratic side of the aisle and the second half under the control of the majority.

ORDER OF PROCEDURE

I now ask unanimous consent that the Senate begin the Homeland Security appropriations bill as under the order following that 1-hour period.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding the distinguished majority leader is propounding to the Chair that each side would have a full 30 minutes after the prayer and the pledge has been added in; is that right?

Mr. FRIST. Mr. President, that is correct. I will have about a 5-minute statement. After my statement, the Democratic leader has a statement. Then we will have 1 full hour, 30 minutes for each side.

Mr. REID. Mr. President, I appreciate that. So I do not interrupt again, I ask unanimous consent that 20 minutes be designated to the Senator from California, 10 minutes be designated—let's see. What we will do is have 19 minutes for the Senator from California, 8 minutes for Senator KENNEDY from Massachusetts, and 3 minutes for Senator SCHUMER from New York. I ask unanimous consent that be the case.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. Would it be OK with Senator FEINSTEIN if we could get the short speeches out of the way first? Would that be OK?

Mrs. FEINSTEIN. Yes.

Mr. REID. OK. We would go with SCHUMER, KENNEDY, and FEINSTEIN. Thank you very much, Mr. President.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, we do expect amendments to be offered on the Homeland Security bill over the course of today's session, and we will have votes today. As a reminder, the Senate will be in recess from 12:30 to 2:15 for the weekly party luncheons to meet.

Finally, on behalf of the managers of the bill, it would be helpful if Senators would notify the managers if they intend to offer amendments to the Homeland Security appropriations measure. I believe we have most of those amendments already listed. But what we would like to do is reach an agreement to limit the amendments to allow us to finish the bill as quickly as reasonable and as possible and, therefore, Members should now notify their respective cloakrooms, if they have not already done so.

Again, we did a lot of groundwork yesterday in talking to our Members and in preparing for the Homeland Security appropriations bill. For that, I express my thanks and thanks on behalf of the leadership of the Democrats and the Republicans. As always, Senators will be notified when we come to that first vote.

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

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SACRIFICES OF OUR MILITARY MEN AND WOMEN

Mr. FRIST. Mr. President, I want to very briefly comment on an observation that when I got home last night a lot of the media networks were talking about; that is, yesterday the U.S. military deaths in Operation Iraqi Freedom surpassed 1,000. Each one of these deaths is a sacrifice for the freedom and liberty we enjoy each and every day, and it really has focused on the importance of what the war on terror is all about, as we see what is depicted in Russia and as we see what has happened in Afghanistan and Iraq and really throughout the world and throughout the Middle East.

I wish to make the point again that we all think—we all know it, but really it does need to be said; we think it every day, but it does need to be said—that these brave men and women in uniform sacrificed their lives for the cause of freedom—freedom in this country and throughout the world—and for the security and safety of their fellow Americans. We owe them a deep debt of gratitude for their courage and for their valor and their strength and their commitment to our country and to these ideals of which we every day take advantage.

As President Bush has reiterated time and time again, and as he mentioned in an early morning meeting we had—a bicameral, bipartisan meeting that finished 15, 20 minutes ago—our cause is to fight the enemy on his soil before he can strike us here at home.

Because of our bold action, and, yes, the sacrifices this country has made, terrorists will no longer find safe harbor in Iraq. Because of our determination, Saddam Hussein now sits in a prison where his only plotting and planning is to defend himself before a war crimes tribunal. Because of our resolve, Saddam's two sadistic sons, Uday and Qusay, are dead, and many of his top lieutenants are dead or in custody. Because of America and her many allies, no longer will the civilized world be threatened by Saddam and his murderous ambitions.

From the very beginning, since President Bush launched Operation Iraqi Freedom roughly a year and a half ago, our Armed Forces have performed valiantly—from that first dramatic 3-week campaign that led to the fall of Baghdad, to the fighting that goes on right now in specific regions where the insurgents are attempting to thwart Iraq's path to self-government.

The enemies of freedom will not prevail. The President, our Commander in Chief, has made it clear they will not prevail. This body has made it clear, our U.S. Government has made it clear, the enemy will not prevail. The enemies of freedom are going to fall. The people of Iraq want democracy. Polls show over and over again that the majority of Iraqis are optimistic about their future. Now they are finally free to realize their dreams.

Our hearts do go out to the families who have lost loved ones in battle, as well as to the thousands of men and women who have been injured. The valor and courage of our young women and men in the armed services are a shining example to all of the world, and we owe them and their families our deepest respect. They now belong to America's pantheon of heroes who have given their lives for the cause of liberty.

Mr. President, I yield the floor, and we will now have an hour of morning business, with 30 minutes to each side.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for statements only of 60 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from California.

Mrs. FEINSTEIN. I believe I have 18 minutes of that time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from California has 19 minutes.

Mrs. FEINSTEIN. I thank the Chair.

ASSAULT WEAPONS BAN TO EXPIRE

Mrs. FEINSTEIN. Mr. President, some of us have come to the Chamber today: Senator SCHUMER, who handled the assault weapons legislation 10 years ago in the House of Representatives as a member of the Judiciary Committee; Senator KENNEDY, who has been steadfast in support of this legislation for literally decades; and myself, as the Senate author of the bill. Ten years ago, the Senate, the House of Representatives, and the President of the United States stood up for the safety of the American people and against the National Rifle Association, and we passed one of the most important public safety measures this country has seen, the Federal ban on assault weapons.

That legislation was designed to dry up the supply of assault weapons over time. That legislation was designed so that no legitimate gun owner would lose their gun, nor have any.

The assault weapons ban, although not perfect, represented the best we could do to stem the growth and spread of these weapons throughout our cities and our States. That legislation is going to expire in 5 days.

A couple of months ago the Senate took a vote. We know we have 52 votes for its reauthorization for another 10-year period. Senator WARNER of Virginia joined me in sponsoring that legislation on the floor of the Senate. We also know that the legislation has been effective because gun traces to crimes committed with assault weapons have declined by two-thirds in these past 10 years.

The American people have supported the ban and their support has never waived. Today almost three-fourths of the American public supports the ban, as do more than two-thirds of gun owners.

Law enforcement supported the ban in 1994, and their support has never waived either. Every major law enforcement organization in the country supports renewing this ban, and countless individual chiefs of police, sheriffs, and line officers have put themselves on the line to express their support, too. In fact, many of these same officers are in town today to let Congress know how important the assault weapons ban is to the safety of those who face these guns in the line of duty day in and day out.

This chart illustrates the percentage of banned assault weapons used in crimes, down by nearly two-thirds since passage of the 1994 act.

The NRA will say: The bill is cosmetic. It hasn't done anything. It has been ineffective.

Then why do they make this legislation and its demise their No. 1 priority? This chart shows that they are wrong. In a moment, I will cite testimony from a former BATF analyst that says this legislation has, in fact, been effective.

Presidents Clinton, Carter, Ford, and Reagan, and even Bush, have all expressed support for renewing the ban. President Bush stated his firm support in his 2000 campaign. He has never publicly wavered from that stance. But 5 days from today, none of this support will matter. The assault weapons ban will be history, one more victim of the powerful, selfish NRA and its brutal lobbying tactics.

Because the President has steadfastly refused to put his money where his mouth is and help us renew the ban, it is going to expire without so much as even a vote in the House of Representatives. We have asked the President: Please use your leadership to convince the Speaker of the House of Representatives to bring this bill to the floor. Please use your leadership to twist some arms. If you support this, if you know the American people support it, if you believe it makes for a safer America, please help us.

We have cried out in vain. There has been no response from the White House. Instead, the President quietly awaits September 13 and hopes that after he lets the ban expire, he can once again receive the endorsement of the NRA, because the NRA is not going to make their endorsement until the ban expires.

This is truly a dark day in the Senate's history, as we let this ban, which

has worked so well and has saved lives, simply fade away.

I mentioned earlier that what the ban does is prohibit the manufacture of large-capacity ammunition magazines, clips, drums, or strips of more than ten rounds. It prohibits the manufacture and sale of 19 specific types of military-style assault weapons as well as a number of other guns based on a simple test to determine whether the guns were hunting guns or weapons of war.

Come next week, companies will once again begin to churn out large-capacity ammunition devices, and powerful, easily concealed military weapons, all for civilian use. The NRA will try to hail this as a victory for hunters, but the fact is, no hunter has lost their weapon, and no hunter has been limited by the assault weapons ban. The law specifically, by name, exempts 670 hunting guns entirely.

It is also important to note that the ban grandfathered in every gun made before 1994. No innocent gun owner lost their weapon. There was no confiscation component to the bill. But by banning the future manufacture of these guns, prohibiting the sale or transfer of any newly manufactured gun, the bill's intent was to gradually dry up the supply of these guns overtime.

I mentioned I would give you some Department of Justice data. I mentioned the proportion of assault weapons used in crime has fallen more than 65 percent since the ban took effect. Let me give you an analysis that was conducted by Gerald Nunziato, who for 8 years served as the special agent in charge of the Bureau of Alcohol, Tobacco, and Firearms, the BATF's, national tracing center. This is not some fly-by-night study. This is by the one person who knows what these numbers mean better than anyone. He found two things. First, as indicated by this chart, he found that:

> Assault weapons banned by name in the Federal Assault Weapons Act have declined significantly as a percentage of guns ATF has traced to crime, and in absolute number of traces, since the Act was passed. Had this decline not occurred, thousands more of those banned assault weapons would likely have been traced to crime over the last 10 years.

He also said:

> The gun industry's efforts to evade the Federal Assault Weapons Act through the sale of ''copycat'' guns has not substantially undercut the positive effect of the statute in reducing the incidence of assault weapons among gun crimes.

In other words, even though craven gun manufacturers tried to evade the ban, those copycat guns did not replace banned guns in equal numbers, at least when traced to crimes.

I want to spend a couple of minutes and explain to you about a shipment that was recently found by Italian customs. Some 8,000 AK–47 assault rifles were on their way from the Romanian port of Constanta to New York City, according to press reports and BATF information, apparently bound for a gun store in Georgia by the name of Century International Arms.

These guns had a value of more than $7 million—8,000 AK–47s.

It is believed by some that these guns were being shipped to the United States in anticipation of the expiration of the assault weapons legislation. Though this shipment may very well have been illegal in any case under a 1989 Executive Order, think of one gun store buying 8,000 AK–47s in anticipation of 5 days from today. Think of where guns like these are going to go. Some are going to go to legitimate gun owners. Others are going to go to gang bangers. They are going to be sold out of the backseats of automobiles and on street corners to criminals. They have become the weapon of choice for those who go up against the police. Mr. President, that is 8,000 AK–47s in one shipment coming into the United States.

One advertisement now running in gun magazines is from a company called ArmaLite. They make postban rifles. As one can see from this advertisement, ArmaLite is now offering a coupon for a free flash suppressor for anyone who buys one of their guns. A flash suppressor is used to prevent the flash of the gun when it is fired. So if you are using it, no one can see where you are, particularly at night, by the flash of the weapon.

Let me read what this says:

> And by the way . . . ArmaLite's rifles are made to be easily retrofitted with your flash suppressor and your other pre-ban features so you don't have to wait if you're choosing an ArmaLite.

They are giving a coupon for a free flash suppressor with every new weapon to keep in your pocket as a reminder to work with the NRA to get out the vote and to keep writing and calling your legislators. That is what we are up against: flash suppressors for votes in this country. It makes me sick to my stomach.

The ad states:

> It is not legal to install this on a post-ban rifle until the assault weapons ban sunsets.

That will happen in 5 days.

A recent study by the Consumer Federation of America discovered that manufacturers are also gearing up to manufacture large-capacity ammunition clips.

This is the danger. Just yesterday in Geneva, OH, somebody stood in the main thoroughfare and fired more than 50 rounds from a big clip. No one could get to him to disarm him. Three people were wounded. He just stood there and fired the weapon indiscriminately.

One manufacturer told a caller from the Consumer Federation of America that there is a pent-up demand for 50-round clips and larger. Who needs a 50-round clip? Hunting laws in every State restrict the number of bullets in a clip to under 10. Who needs a 50-round clip?

It is clear that time has run out. It is clear the President of the United States will not help, and this is truly a sad day for this Nation.

My hope is if the ban expires and these guns and high-capacity clips once again start to flood our streets, some common sense will return to Washington and we can then put the ban in place. But I want this Senate to know, Mr. President, that I do not intend to give up. Next year, I will put a better law on virtually any bill I can find to do so, and we will come back and back and back, and we will have armor because no doubt tragedy will ensue.

The assault weapons legislation has worked. No legal owner has been denied a weapon. No weapon has been confiscated. Yet the supply of these weapons on the streets have declined. A dominant majority, upwards of 70 percent of the American people, support its reauthorization. We have bipartisan support in the Senate for its reauthorization. President Bush, please, if you care, if you are listening, do something. The House can pass this. We have had the debate in the Senate. It will only take a few minutes for the Senate to cast the same vote again, and then you can sign a piece of legislation that we know makes this Nation safer.

Mr. President, how much time remains of my time?

The ACTING PRESIDENT pro tempore. Four minutes.

Mrs. FEINSTEIN. I thank the Chair. I withhold the remainder of my time and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I again congratulate my friends and colleagues, Senator FEINSTEIN and Senator SCHUMER, for the strong leadership they have shown on this issue and their continued perseverance and persistence in urging the House and Senate and the President to act. Unless the President and Congress act, the current Federal ban on assault weapons will expire in 5 days.

Semiautomatic weapons are killing machines with utterly no redeeming value in any sane community, and lifting this ban will put these weapons of death back in the hands of criminals and will give terrorists a new tool to attack America.

We know terrorists are now exploiting the weaknesses and loopholes in our gun laws. A terrorist training manual discovered by American soldiers in Afghanistan in 2001 advised al-Qaida members to buy assault weapons in the United States and use them against us.

The failure to renew the ban this year will drastically undermine the safety of our streets, our neighborhoods, and our schools, and strengthen terrorists and other criminals. It would be a tragic and senseless blow to the security of our homeland.

Terrorists already here in sleeper cells or coming in from abroad will be able to buy assault weapons without background checks at gun shows and wreak terror throughout the Nation.

How can we possibly allow this essential protection against crime and terrorism to expire? How can we deliberately put the security of our communities in such new and needless jeopardy?

The need for Presidential leadership has never been greater. We know we have the votes for renewing the assault weapons ban in the Senate because we passed such an amendment in March by a bipartisan vote of 52 to 47. The Republican leadership in the Senate, however, refuses to bring the ban back for another vote, and the House Republican leadership refuses to act at all.

In the 2000 campaign, President Bush specifically pledged to renew the ban, but now as the ban is about to expire, the silence from the White House is deafening. It is long past time for President Bush to live up to his commitment.

President Bush has shown that when he wants something from this Republican Congress, he gets it. When he wanted tax breaks for the wealthy, he got it. When he wanted another round of tax breaks, he got them, too. We need that same commitment from President Bush when it comes to protecting our families and securing our communities from deadly assault weapons.

President Bush, the time to act is now. Congress awaits your call.

IRAQ

Mr. KENNEDY. Mr. President, 16 months after President Bush declared ''mission accomplished'' aboard the USS *Abraham Lincoln*, the fighting in Iraq continues and casualties continue to mount.

Yesterday we reached a mournful milestone that we never thought possible: 1,000 brave Americans have lost their lives in Iraq. Nearly 7,000 more have been injured. The youngest of America's fallen soldiers was just 18 years old. The oldest was 59. More than half had not even celebrated their 30th birthday. They hailed from nearly every State in the Nation. They are the best of America, and we are proud of each one. Although I disagree with the President about Iraq, I honor the service and sacrifice and dedication of each of these brave men and women.

It was wrong for the President to rush to war for such a deeply questionable cause. We all know Saddam Hussein was a brutal dictator, but he did not pose the kind of immediate threat to our national security to justify a unilateral and preventive war.

Despite the President's claim that Iraq is central to the global war on terror, there was no persuasive pattern of ties or operational links between Iraq and al-Qaida. There were no nuclear weapons.

President Bush has stated that the war in Iraq was a catastrophic success. He is right in one sense. The war has been a catastrophe. The war has been a catastrophe for our fallen soldiers, far too many of whom were sent to war with no plan to win the peace. The war has been a catastrophe for their loved ones. The war has been a catastrophe for our Nation's standing in the world and for the war on terror, for it distracted us from the real threat of al-Qaida in Afghanistan. It has made the war on terrorism far harder to win and it has made America more hated in the world than at any other time in our history.

We need honest solutions that will end the terror of Osama bin Laden and destroy al-Qaida. We need honest solutions that will bring the war in Iraq to a noble end and bring our troops home with honor. This administration has had its chance and it failed the basic test of competence. It failed to deploy enough troops in Iraq to win the peace. It failed at Abu Ghraib. It failed in issuing sweetheart deals to Halliburton. It has failed the basic test of Presidential leadership.

We need a new administration that will be honest with the American people on national security and propose real solutions to make us safer and stronger.

How much time remains for the Democrats?

The ACTING PRESIDENT pro tempore. There is 8½ minutes.

Mr. KENNEDY. Whatever time remains I yield to the Senator from New York, Mr. SCHUMER.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mrs. FEINSTEIN. Before the Senator from New York begins, I do wish to use my remaining 4 minutes.

The ACTING PRESIDENT pro tempore. There is 8 minutes 7 seconds remaining.

ASSAULT WEAPONS BAN

Mr. SCHUMER. Mr. President, I believe I have 4 minutes, which I very much appreciate and I want to thank my colleague from California for yielding the time and for her tremendous and unstinting leadership on this very important issue.

If nothing happens, AK–47s, Uzis, and TEC–9s are going to be back on the streets next week. That is a giant step backward. It is hard to believe that with all the progress we have made in the fight on crime, with the reduction in crime, with the reduction in the number in law enforcement who are hurt and killed in the line of duty, with the new war on terrorism upon us, that we are going to make it easy for anybody to get an AK–47, provided they have not been convicted of a felony. Someone on a terrorist watch list will be able to walk into a store and get an AK–47.

What is going on in America? This should not be a contest. This bill should have been renewed without a debate. Everyone who studied it has agreed it has been broadly successful. This President and the previous four, from Ronald Reagan and Gerald Ford to Bill Clinton and Jimmy Carter, are on record as being for this, and because of a small band of people who are ideologues, who are extreme, we are not going to see this happen.

This represents the dysfunction of American politics. When a country cannot deal with an issue in a straightforward, forthright way, when a country that has had success takes a step back because a narrow few have some ideological notion that everyone should be entitled to have any weapon they want—some of them even believe a bazooka or a tank is okay—then something is wrong.

We need some leadership. We need the President of the United States to ask the House of Representatives to vote on the bill. We have not heard a peep out of him. We need some leadership from the leadership of the House to allow the bill to be on the floor. The crime bill of 1994, for all the ''sturm und drang,'' was one of the great governmental successes of the last decade.

As we wrote it, our motto in that bill was tough on punishment and smart on prevention. We brought a grand coalition from the most liberal to the most conservative to deal with the scourge of crime. The only reason there is not much of a fuss on this issue, regrettably, is because we have succeeded, because crime rates are lower and the large impetus to do more has declined because of our success.

When one has success, the answer is not to undo that success. It is to continue what has been done, and we are not. It is a sign, in my judgment, of the weakness of our politics, and even of this Republic, that the Senator from California and I are on the floor today as the gates are closing, pleading with our President and our colleagues to allow a vote to occur. This is not the America of which we should be proud.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from New York. I remember my call to him 10 years ago over in the House saying, ''Chuck, would you consider handling this in the House,'' and he did. It was not easy. After the 1994 vote, the House repealed the assault weapons legislation, under pressure from the NRA. He stood fast—we stood fast—and the law continued. I am very grateful to the Senator and I want him to know that.

Going on at this very time is a press conference of law enforcement from all over the United States. One of the people who journeyed here for this press conference is a man by the name of Lee Guelff. His brother James Guelff was a police officer working out of Northern Station in San Francisco when a call came in that there was a sniper at Pine and California Streets. Officer Guelff responded to the call. What he found was a sniper, clad from head to toe in Kevlar, with military-style semiautomatic assault weapons, as well as over 1,000 rounds of ammunition. He had his service revolver, and the shots were flying.

As he went to speed-load his weapon, he was hit in the head by a bullet of the hundreds of rounds this man fired. It took 150 police officers to bring down this man clad in Kevlar at the corner of Pine and California Streets.

These weapons are not for civilian use. These weapons all were designed for military use to kill large numbers of people in close combat. Whether it is Geneva, OH, or Pine and California Streets in San Francisco, these weapons do not belong in civilian hands.

I will show a few pictures of police officers who have been in similar status. Marion County, IN, Deputy Sheriff Jason Baker was shot with an AK–47 during a traffic pursuit. He was following directly behind the fleeing vehicle when the suspects shot him in the head with one of the rounds from the AK–47. He died that day from gunshot wounds.

Lance Corporal Dana Lyle Tate and Corporal Dyke Coursen, Beaufort County deputy sheriffs, were shot and killed with an assault rifle after responding to a domestic disturbance call. Everyone who knows law enforcement knows domestic disturbances are fraught with jeopardy. When someone has an assault weapon against a police officer entering that house, the police officers do not have a chance.

San Francisco police officer Isaac Espinoza, 29, was gunned down April 10 of this year with an AK–47. His partner was wounded as well. There were a number of bullets fired. He was shot in the back.

Los Angeles County Police Captain Michael Sparkes, just on August 10 of this year, was shot and killed while off duty in Rosewood, CA. He was taking an early morning bicycle ride when he was confronted by two alleged gang members. The two men were attempting to rob Sparkes when an exchange of gunfire occurred. Captain Sparkes was shot multiple times with an AK–47 assault rifle containing a 40-round magazine of ammunition.

Downstairs there are representatives from the Fraternal Order of Police, the International Association of Chiefs of Police, Major City Chiefs, the National Association of Police Organizations, the National Association of Black Police Officers.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mrs. FEINSTEIN. I thank you. One last statement. Virtually all of law enforcement has implored us, has requested that we reauthorize this legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

CONGRESSIONAL BUDGET OFFICE SEPTEMBER UPDATE

Mr. NICKLES. Mr. President, yesterday the CBO, the Congressional Budget Office, issued their September update. It just came out. I heard my colleague and counterpart on the Budget Committee allude to it on the floor of the Senate yesterday, and he did that with great talent but maybe with a little different analysis than what I might give. So I thought I might give a little different presentation.

I think there is a lot of good news in this report. It also shows we have some big challenges before us. CBO estimates for this year we are going to have a deficit of $422 billion. That is a record in nominal terms. But it is an improvement. CBO was just predicting 6 months ago it was going to be $470-something, so it is down $56 billion. The deficits are moving down. That is good news. OMB projected earlier this year the deficit was going to be $521 billion. Now they are down around the $441 billion, so they project significant improvement. As a matter of fact, the number CBO just came up with is about $100 billion less than what OMB, the Office of Management and Budget, had predicted at the beginning of this year. So deficits are coming down. They are coming down dramatically.

I think the good news is the budget we passed last year and the tax package we passed, the economic growth package we passed last year, is working. We should be proud of it. I have been in the Senate now for 24 years. We pass a lot of different bills sometimes to stimulate growth or try to help the economy or try to do something that will have significant economic results. The bill we passed last year, the 2003 tax bill that President Bush signed in January, the tax bill that cut the tax rate on capital gains and dividends to 15 percent, the tax bill that accelerated the 2001 tax cuts and actually made them effective—that bill worked. Most of those cuts had not actually gone into effect. Some did for lower rates, but upper incomes had not received a rate reduction. Middle-income people had not received but a 1-point reduction. We accelerated the 28 percent to a 25-percent rate, the maximum rate to 35 percent, cut cap gains to 15 percent, and cut the rate on dividends to 15 percent. And guess what. It has worked. It has worked.

Since the President signed that bill, we have 1.75 million new jobs. That is 1,750,000 new jobs created. We have had 12 months in a row where we have had new jobs created every month. We really did reverse a downward trend, a decline.

We had a real chilling event on 9/11: our economy was hit. The financial structure of the United States was hit. We had a stock market that burst, frankly, in March of the year 2000. The NASDAQ declined by about 50 percent in the year 2000. Revenues to the Federal Government had been declining dramatically. You add 9/11, to that you add the war on terrorism.

Deficits are high. This Senator has spent the majority of my career trying to rein in Federal spending and hold down deficits. These deficits are very high. The good news is the deficit is coming down. Before one can criticize, they have to understand what caused the deficits. The deficits were caused by the market crash. When Alan Greenspan mentioned this a few years ago, he called it irrational exuberance in the stock market. That crashed. As a result, a lot of money, actually trillions of dollars of market value, was lost in the stock markets. That reduction applied to money coming into the Federal Government.

The money we received in the Federal Government, total receipts, was over $2 trillion in the year 2000. Last year it was about $1.78 trillion. That was not because of the tax cuts we passed. It was because of the very soft economy, and it was because of 9/11. A lot concurred at that time. President Bush realized that, this Congress realized that, and I compliment my colleagues, especially ZELL MILLER for that because he helped me cosponsor that bill we passed last year that helped make this economic recovery happen.

The other good news in this report is CBO projected real economic growth this year of 4.8 percent. That is great. They project 4.2 percent for next year. That is super. That is real economic growth over and above inflation.

So the budget has worked. The tax bill we passed last year worked. New jobs are being created, almost 2 million jobs in the last 12 months alone. So we have a lot of good news. The good news is the budget we passed last year has worked. We defeated over $800 billion worth of additional spending, most of which was offered by my colleagues on the other side of the aisle. We defeated that. The budget worked. The good news is when we passed the Department of Defense appropriations bill before we adjourned for the August recess, we put in a budget provision that caps domestic discretionary spending. That was part of the DOD appropriations bill. So we passed that part of our budget this year. That is now the law of the land. Now we can pass our appropriations bills. We are going to take up the Homeland Security bill later this afternoon, and hopefully we will be able to pass it. We have budget rules that will work to enforce limitations on that bill and all other appropriations bills. So maybe now we can go ahead and complete our appropriations process.

I mention these things to point out that there is some good news in this report. The report is also distorted because it says you have to use present base lines. Present base lines assume that all spending will continue to grow basically with inflation. This year alone, in the year 2004, we are spending about $115 billion in Iraq and Afghanistan in the war on terror. We did that through supplementals. We will not continue doing that year after year, not at those levels. In that period of time we have been fighting a war. We have hundreds of thousands of troops who are engaged in that effort.

I was in Iraq a couple of months ago. We are training 210,000 Iraqis to take our place. I was in Afghanistan. We are training thousands and thousands of Afghanis, and we have 20-some thousand troops in Afghanistan. They will be taking our place so we will not have

to continue. We will not have supplementals near in this range. We had a $87 billion supplemental last year, and $28 billion included in the DOD appropriations bill. We will not have that large an amount of additional money to be used primarily to fight wars against terrorism in Iraq and Afghanistan. I am sure we will be spending some money. I am sure there will be some, but it will not be anywhere near that over a 10-year timeframe. CBO assumes we will spend $114 billion inflated for the next 10 years. That is over $1.3 trillion. Then, if you add inflation to that, in addition to that, and interest expense that they also assume, that assumes about half of their negative projections.

I might mention, too, my colleague said we have to fix the AMT, and if you add that in and extend every tax cut out there, the deficits will be terrible. I have a couple of comments.

No. 1, the President made a speech at the Republican Convention and said we need to reform the Tax Code. I will not be here, but I hope the next Congress will take the President up on that.

The Tax Code needs to be reformed. AMT is living proof that the Tax Code needs to be reformed. I look at the Tax Code as about a foot tall. I always compare it to the Bible. The Bible is about an inch. Unlike the Bible, the Tax Code contains no good news. I look at the Tax Code and it is complicated. It needs to be reformed. The President challenged Congress to do it. The next Congress should take the President up on that. You can fix AMT. There are an awful lot of anomalies and so many inconsistencies in the Tax Code. You can't fix it a paragraph at a time. You need to rewrite the entire thing. I think that can be done.

You don't have to get in this debate—well, if we continue this or that.

We have to extend the family tax provisions that expire at the end of this year. There are three of them. There is a $1,000 tax credit per child. That would revert to $700 per child if it is not extended. We need to extend the marriage penalty relief to allow married couples who have taxable incomes up to $58,000 so they will pay a 15-percent rate on taxable income up to $58,000. If you do not do it, it will revert back to some $40,000. That is about a $900 tax increase on married couples. Also, the expansion of the 10-percent bracket.

Those need to be done this year. They need to be done this month. Hopefully this Congress will get that done. I expect we will. I am a conferee of that particular bill which is in conference. I am optimistic we will get that extended.

We need to reform the Tax Code. Some people say we need a higher personal rate; we want to sock it to the wealthier people who are paying a 35-percent rate. That is the same rate General Motors pays. I don't think wealthy people should have to pay more than the largest corporations in the world.

I am in favor of reforming the Tax Code. I think the President is right on in that effort. Instead of trying to paint the most negative picture possible with a doomsday scenario of the deficit getting bad, assuming we are going to a war in Iraq every year, which is not going to happen, and assuming a lot of negatives that, frankly, I do not agree with, I think future Congresses can reform the Tax Code and do it without ''having higher tax rates'' on individuals than you have on General Motors and other corporations.

The good news is CBO says deficits are falling. That is good. The tax cuts we passed last year, frankly, are raising more revenues than people anticipated. That is good. CBO overestimated revenue. They kept telling us we think it is going to be better. Revenue crashed when the stock market crashed. It took a lot of economic viability out of the economy. When we introduced the tax bill last year, the Dow Jones was at 7,700. Because of the tax cut we passed last year, today the Dow Jones is 10,300. The Nasdaq is up over 40 or 50 percent more than it was when we introduced the bill a little over a year ago—almost 2 years ago in January. We passed the bill in June of last year. We have seen very positive results in the stock market. We have seen very positive results in the economy with 4.8 percent growth. Now we have seen very positive results in employment with almost 2 million new jobs created, including in the manufacturing sector which has been on a 1-year decline. We now see an uplift in the manufacturing sector as well. The good news is the economy is growing. The bill we passed last year has had a positive impact.

With the cooperation of Senator STEVENS, we were able to put in a cap on discretionary spending in the DOD appropriations bill. Now Congress can move forward. That is half of our budget.

If somebody wants to know, the budget basically deals with how much money you are going to spend and how much money you are going to tax. This takes care of the spending side of it and puts the cap on spending, replacing the cap we passed in the previous budget. It supersedes that. Now we have a new cap on domestic discretionary spending of $821 billion. That is what we passed on the floor of the Senate. That is what we agreed to and that is what is now the law of the land. I think that is good news as well. That will constrain spending. We will probably find out later this afternoon.

I think we have some good news on the economy. We have good news because the future deficits are falling. The economy is growing, and we have a little work to do to finish the appropriations bills and to finish action on a couple of tax bills this year.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

SENATE SCHEDULE

Mr. THOMAS. Mr. President, I certainly appreciate the comments of my friend from Oklahoma. There are some positive things that have resulted after a number of very difficult years. I certainly appreciate the leadership which he has given on the budget.

I wanted to talk a moment about Senate business. Of course, I suppose we all have ideas about what we could do. We will be here for another month. Obviously, we can't do everything that is out there before us. Clearly, there were a lot of items we couldn't complete partly as a result of the fact that, frankly, we have not done as much over the last year as we should have and could have done. Some of that, of course, has been because of the Presidential election which is still looming before us. That has caused arguments on a lot of things which are more political than need to be. It is not unusual for the Congress to be political, of course. But I think to the extent it has been, it is more than usual. I hope we can move forward.

I was encouraged about what our leadership said yesterday as we try to move forward and try to actually cooperate on some things. Unfortunately, before the day is over I think we are back into the same old routine of trying to put the blame on everyone, and so on. The fact is we have work to do. We have an opportunity to do it. As I said, we will not all agree on what they ought to be, but it seems to me the real challenge before us is to set some priorities. We have a certain amount of time. We can do a certain number of things. Admittedly, we will have different ideas about what those priorities ought to be. I wanted to share that.

It seems to me it is important to do the things in a timely manner which have an impact on the economy—things Senator NICKLES also talked about. One is appropriations. Appropriations were intended to be done in July and August at the end of the fiscal year—at the end of September. We are a little late on those. The Appropriations Committee has been dealing with them for a long time. It seems to me that we ought to be prepared to move forward within the budget. It is one of the most important things.

I happen to believe energy is one of the most important things we have to deal with, to have an energy policy which gives us some idea as to the direction we are going to take when we deal with the obvious difficulties of energy. The cost of energy, the import percentages we have to expect from overseas, with all of the unrest in the Middle East where some of it comes from—those are the kinds of things we need to deal with. We have talked about it now for about 3 years. We have a policy. A policy has been on the floor. Unfortunately, as it moved to the floor the last time it was filibustered and we lacked the votes to get it passed. We need to pass it. In my view, that would have a great impact on the highway bill.

Again, we have had a highway bill for some time. We had a 6-year bill. It expired a year ago. Now we are proceeding monthly. We need to get a longer term highway bill in place.

As I traveled around my State of Wyoming last month, I probably heard as much about that as anything, how important the transportation system is to all of us. Coupled with that, of course, is the number of jobs developed by having the opportunity to move forward.

I commend the chairman and his staff for working during the recess. We had differences on what the spending level ought to be, which should not have been that difficult because this spending is the result of transportation. That is what those taxes are for; to expend those on highway and related transportation is what it is all for. I understand we are reaching some agreements on what that ought to be. We have had differences with the Senate and the House and the White House. But we need to move forward.

Certainly, our State of Wyoming is particularly dependent on transportation because the miles per capita are very large. We have lots of miles—not only used in Wyoming but used by others with a relatively small population. It is very important to us. The economic impact, of course, is very important. For every $1 billion spent, 47,000 jobs are created—and created quickly.

One of the problems, of course, is much of the highway construction is done by contracting. If the highway departments within the States do not know what their funds are going to be, it is impossible for them to go ahead and do contracting in the future. It is also very seasonable. Most of the work in the West and the mountain States has to be done in the good weather periods. We need to do something with that.

The Energy bill, as I mentioned, is a total bill. It is not just one or two little things. It has to do with research and the alternative resources of energy in the future. Whether it is wind or conversion of coal to diesel or to hydrogen, it deals with alternative energy as well as renewable. It deals with efficiency and conservation and the use of energy. We can make great strides in that area. It also has to do with the encouragement—giving incentives to domestic production, which, of course, is very important.

We need to make some changes. We need to utilize coal more, for example, because it is our largest resource of fossil fuel. It can be converted into other fuels—diesel, hydrogen, or whatever. We need to use coal to generate electricity rather than gas because gas is so flexible and it can be used for other things. Coal can be used economically in a clean way as well.

There is nothing more important than to have an idea. This was one of the first things that was done at the White House, and we have done it here. I have been on that committee. Yet we have not been able to get it done. Now it is at the desk. All we need to do is bring it up and move forward.

There are a lot of other things that are very important. We will have to decide whether we want to get things done or whether we want to continue to argue. There is nothing wrong with having different ideas, voting on them, and reaching a conclusion. We have great challenges ahead and only a short time in which to complete them. I certainly urge Members to put their energies into those priorities and complete them.

I yield the floor.

Mr. ENZI. How much time remains for our side?

The ACTING PRESIDENT pro tempore. There is 8 minutes 45 seconds.

JOBS

Mr. ENZI. Mr. President, the economy is getting stronger. The economy has shown 12 straight months of job gains. Last month, payroll employment increased by 144,000 jobs. Nearly 1.7 million new jobs have been created over the past year. The unemployment fell to 5.4 percent—the lowest rate since October, 2001. We have laid the groundwork for the economic recovery we are experiencing today. We have ensured the presence of more capital in our economy which has led to the creation of more jobs for our workers.

President Bush's economic policies continue to create new jobs and move the economy forward. This all adds up to good news for the American people. We have weathered the storm and are poised to enter a new period of prosperity.

However, I have to caution you about some roadblocks that stand in the way of prosperity for our workers and businesses alike. The first roadblock is a gap between the skills our workforce has and the skills our employers need. The second roadblock is the Democrats' obstruction of legislation that will help close this skills gap. First, I will talk about the skills gap so you can understand just how damaging the Democrats' obstruction is to our workers and our economy.

It may surprise you to learn that many good jobs in this country remain unfilled because employers can't find workers with the skills they need. According to a 2003 survey by the Center for Workforce Preparation, an affiliate of the U.S. Chamber of Commerce, half of the employers reported difficulty in finding qualified workers. The problem is greatest for small employers. Small business—our greatest source of economic growth—can't create jobs if they don't have the skilled workers to fill the jobs.

The gap between the demand for high-skilled workers and the supply will only widen in the future. Looking ahead 2 years, only 30 percent of the employers surveyed by the Center for Workforce Preparation believe the skills of their workers will keep pace. This skills gap blocks the pathway to better jobs and better lives for American workers and their families.

This skills gap also threatens the ability of American businesses to compete in a more complex, global economy. When Federal Reserve Chairman Alan Greenspan testified before the Senate Banking Committee, he said that ''what will ultimately determine the standard of living in this country is the skill of the people.'' Why is effective workforce training so important? Because in an increasingly knowledge-based economy, people—their talent and their ideas—make the difference. Human capital is a company's most important resource. The skills and ingenuity of the American workforce will drive our economy in the 21st century and beyond. If we want to keep high-paying jobs in America, our challenge is to equip our workers with skills the global economy demands. We used to manufacture buggy whips. We do not make them anymore. People had to have new skills.

Unfortunately, the current workforce development system is not effectively equipping workers with the relevant skills. Without any action, technology and other advances will outpace the ability of American workers and business to update skills needed to compete. We must improve the Nation's job-training system created under the Workforce Investment Act to better prepare American workers for the good jobs of today and tomorrow. Only a systematic reform of our Nation's job-training system will enable American workers and businesses to compete—and succeed—in the global economy.

There is good news. We have a bill that does this. It is a bipartisan bill that reauthorizes and improves the Nation's job-training system. It will help retrain workers to fill the jobs needed in this country now and in the future. It will link workforce development with economic development, recognizing that job training and job creation go hand in hand. It will partner the public workforce system with private sector employers—including small businesses—and with training providers to better prepare workers for high-wage, high-growth jobs. And this legislation will improve access to job training and employment services in all parts of the country. It will help an estimated 900,000 unemployed workers a year get back to work.

The good news is we have bipartisan legislation that does all of this—legislation that passed out of the Health, Education, Labor, and Pensions Committee unanimously, legislation that passed on the Senate Floor unanimously. Where is the bill now? Here is the bad news. Here is the roadblock. The Democrats won't let us send this important job-training bill to conference. They are stopping progress by refusing to appoint a conference committee, which is a committee made up of Republicans and Democrats who would meet with the House to work out the differences between the House and Senate versions of the bill, and it would not be the last action on the bill.

If people do not like what happened in conference, it can be filibustered.

An important jobs bill—a bill that will help American workers and businesses—is being held hostage to election year politics. If we really care about keeping good jobs in this country, we need to send the job training legislation to conference—and then to the President to become law.

I owe my constituents more than this. I think we all do. We owe the American people an open legislative process, a process they expect and deserve from us. This is not just an academic question of Senate rules and procedures. A bill that would help put Americans back to work or find better jobs now lies in legislative limbo.

I was reminded just how important job training is to the lives of our workers and the strength of our businesses and communities during a conference held in Wyoming this summer. In June, I attended the Wyoming Summit on Workforce Development. This was a conference designed to teach people how to bring business and jobs to Wyoming. In Wyoming, a lot of our people are leaving the State to find better jobs elsewhere. We know that we have to create the kind of good jobs with good futures that will keep our people in Wyoming. To do that, Wyoming needs workers with skills the new, global economy calls for.

One of the speakers at the summit was a consultant, Robert Ady, who advises companies where they should relocate or open new operations. According to Mr. Ady, a key location factor for a light manufacturing business is the presence of a qualified workforce. Whether a company decides to open a plant in Cheyenne or China depends upon a qualified local workforce. A skilled workforce can make the difference between success and failure in the new, global economy. It makes the difference for our workers, for our companies, for Wyoming and for the United States as a whole.

Almost 200 business participants from around the State attended the Wyoming Summit on Workforce Development. For Wyoming, having 200 business people in one place at one time is a real accomplishment. It showed the need and commitment our businesses have to workforce development. These 200 business participants—most from small companies—represented at least 200 opportunities for Wyoming workers and communities. They are looking to us to put the tools in place to keep the American dream alive in communities across Wyoming and the rest of the country.

There is an American dream. It is to have a family, have a nice home, and have a good job to support that home and family. Prior to my coming to the Senate, my wife and I owned a small chain of shoe stores. As a small business owner, I saw firsthand the impact that job training can have on achieving the dream. We had an employee—a Vietnam veteran—who went through a workforce training course and ended up managing and then buying two stores from us. He's an example of what you can do with effective job training if you teach workers to dream at the same time.

We have to give workers—and businesses—the tools to turn the dream into reality. Job training under the Workforce Investment Act can turn the dream into reality for millions of American workers. By blocking legislation that improves job training, my colleagues on the other side of the aisle are blocking the pathway to new and better jobs for American workers. They are blocking the pathway to prosperity for American families and American businesses.

The job-training bill, known as the Workforce Investment Act, is a central part of a combination of federal education and training programs that provide lifelong learning for the workforce of today and tomorrow. The job-training bill, together with the Carl D. Perkins Vocational and Technical Education Improvement Act when I recently introduced, and the Higher Education Act offer the resources that are needed to help prepare students of all ages for jobs in high-wage and high-skill occupations. In this technology driven global economy, everyone is a student who must adapt to changing workforce needs by continuing to pursue their education. In turn, Congress must ensure that education and job training are connected to the needs of business, including small businesses, now and into the future.

I conclude by urging my colleagues on the other side of the aisle—in fact, I urge the Democratic leader to lead—to allow the appointment of conferees to the job training legislation known as the Workforce Investment Act. The cost of this obstruction is the loss of important legislative efforts that will be felt by American people as it harms the integrity of the legislative process itself.

I hope our bipartisan efforts on the bill can continue. I hope regular order is restored to the appointment of conferees so we can craft the final version of this legislation and get 900,000 people back to work. If we really want to keep good jobs in this country, the Democrats would agree to send this important bill to conference. Our workers and our businesses deserve this bill. They deserve more than this election year political obstruction. They deserve the tools needed to keep American workers and businesses the best in the world.

Mr. President, how much time is left before the next action?

The ACTING PRESIDENT pro tempore. There is 7 seconds.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, are we in morning business?

The ACTING PRESIDENT pro tempore. The time has expired for morning business.

Mr. DORGAN. I ask unanimous consent to speak for 8 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REIMPORTATION OF DRUGS

Mr. DORGAN. Mr. President, I rise to discuss the issue of the reimportation of prescription drugs. I do that because we have a very short time remaining in this Congress. We actually began last evening with a couple of votes. I read this morning that the majority leader would like to finish by October 8. There are very few days in which to advance some of these issues. The issue of reimportation of prescription drugs is a very important issue.

We pay the highest prices in the world for prescription drugs. Many of my constituents who live in North Dakota go across the line and purchase identical prescription drugs, FDA-approved prescription drugs from Canada, the same pill put in the same bottle made by the same company sold in Canada and the U.S. The difference is price. One example is Lipitor, a very popular cholesterol-lowering drug. If you buy Lipitor in Canada, it is $1.01 per tablet. If you buy it 5 miles south of the Canadian border, it is $1.82 per tablet, nearly double the price for the American consumer. That is the case with drug after drug, when you compare.

A group of us—Senator MCCAIN, myself, and many others—has been working on reimportation legislation that would allow more than just personal use reimportation to come across from Canada, and I have talked to Senator FRIST at great length about this issue.

On March 11 of this year, about midnight, when we were in session that evening dealing with the budget, Senator FRIST and I reached agreement. He put in the RECORD that he would announce that in consultation with the chairman of the Senate Committee on Health, Education, Labor, and Pensions, along with Senator DORGAN, Senator STABENOW, Senator MCCAIN, Senator COCHRAN, and others, that the Senate would begin a process for developing proposals that would allow for the safe reimportation of FDA-approved prescription drugs. Now we face the time period when, nearing the end of the session, we have not yet had that vote. There is a bill at the desk that was passed by the House of Representatives. That is one possibility. The other would be bipartisan legislation Senators MCCAIN, STABENOW, others, and I

have introduced. Still other opportunities might be an amendment to another bill.

The reason I take the floor at this moment is in this morning's Congressional Quarterly, it says:

> It appears increasingly unlikely that the Senate will vote this year on legislation that would allow Americans to import prescription drugs from abroad, despite wide public support for the idea.
>
> An aide to [Senate] Majority Leader Bill Frist . . . said Tuesday that consensus on permitting the practice remained elusive and that the issue could get swamped by more pressing issues leading up to Election Day.

That was from the majority leader's aide.

Senator GRASSLEY was quoted as saying that Senator FRIST, the majority leader, ''is intentionally keeping drug reimportation off the Senate floor because it would pass by a wide margin.'' That is a direct quote from Senator GRASSLEY.

I have spoken at great length with Senator FRIST about this issue. I know others have different views and they have their own interests. But I believe there has been a commitment for us to at least try to have votes on reimportation. Some of us feel very strongly about it. It is not partisan because we have Republicans and Democrats who have joined on a bipartisan piece of legislation.

It is my hope that in the coming days we will find a way either to take the bill that is at the Senate desk, which is a bipartisan House-passed bill allowing for the reimportation of prescription drugs, or alternatively to have an opportunity to vote on the bipartisan legislation we have developed here in the Senate.

I have said many times, my own view is that the pharmaceutical industry is a big industry. They do a lot of good. They produce lifesaving medicines. But miracle medicines offer no miracles to those who can't afford them. It is unfair that we pay the highest prices in the world for prescription drugs.

I believe one way to begin putting downward pressure on prices is to let the market system work. The market system would do for our country just as it does in Europe where they have something called parallel trading. Parallel trading means that for approved prescription drugs, if you are in Germany and want to buy a prescription drug from Spain, that is not a problem, you can do that. If you are in France and want to buy a prescription drug from Italy, that is not a problem. The parallel trading plan works in Europe, works for the safety of the European consumer.

Why should the American consumer not be able to purchase or why shouldn't pharmacists from our country not be able to purchase an FDA-approved drug from a licensed pharmacist in Canada? That is the absurdity of all this. A pharmacist from Grand Forks, ND, cannot go to that one-room pharmacy in Emerson, Canada, a licensed pharmacy in Emerson, and purchase that Lipitor at a savings and pass the savings along to the American consumer.

We want to change the law to allow that to happen so that pharmacists and licensed distributors can access FDA-approved drugs that are sold in every other country in the world at a lower price and bring them back and allow the savings to be passed along to the American consumer. Ultimately, what it will mean is a repricing of those drugs in our country. The market system will force a repricing and a lowering of prescription drugs prices. That is the goal, and that is what the result would be if the market system is allowed to work.

Again, we are only talking about FDA-approved drugs. We are not talking about anything other than FDA-approved drugs that were produced in FDA-inspected plants, sold by a licensed distributor and pharmacist in Canada and/or the United States.

That is the issue. I came to the Senate floor only because I saw the statement this morning by Senator FRIST's staff suggesting that maybe this won't get done. Again, I refer the majority leader to March 11, the statement in the CONGRESSIONAL RECORD in which the majority leader said: The Senate will begin a process for developing proposals that would allow for the safe reimportation of FDA-approved drugs, not ''maybe'' but that would allow for the reimportation. The fact is, I feel there is a commitment here, and my hope is that commitment will be kept in the coming couple of weeks as we work to finish our work in this Congress.

We have a lot to do. There is a lot of politics running around this Chamber. My hope is that on big issues and important issues, we can decide we want to do the right thing and engage on issues that are important to this country and important to the American people.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 4567, which the clerk will report.

The journal clerk read as follows:

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

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the following Appropriations Committee staff members and detailees be granted the privilege of the floor during the consideration of the fiscal year 2005 Homeland Security appropriations bill and any votes that may occur in relation thereto: Less Spivey, Carol Cribbs, Kimberly Nelson, James Hayes, Avery Forbes, Brian Glackin, Chip Walgren, Scott Nance, Alexa Sewell, Peter Edge, and Sean MacKenzie.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. COCHRAN. Madam President, we are now on the Homeland Security appropriations bill for the next fiscal year, 2005.

For the information of Senators, this morning the President signed the supplemental appropriations bill the Senate passed last night. The President had requested a supplemental for the Disaster Relief Fund of the Federal Emergency Management Agency. Because of the pressure on that fund, the Agency would have run out of money this morning if the Congress had not acted in response to the President's request on yesterday.

The House acted and the Senate approved the supplemental appropriations bill for the Department. So I am happy to make that report to the Senate. There was some discussion of that issue last night, and I appreciate the cooperation and the support of the Senate in taking the action we did.

We are now prepared to consider the full year appropriations bill for the Department of Homeland Security.

We have some opening statements we will make. Senator BYRD is the senior Democratic member of this subcommittee, as well as the full committee of the Appropriations Committee. He has a statement he wishes to make.

After opening statements are made, we will be happy to consider any amendments Senators wish to offer. We hope to be able to complete action on this bill as soon as reasonably possible. By the end of the week would be great, if we could accomplish that. But if not, I think we will have the support of the leader and the chairman of the full committee to continue to work on this bill until we do finish it.

It is a matter of great importance that these agencies and this Department know what the funding levels are going to be for the fiscal year that begins very soon, October 1. We certainly need to take action in a timely way for orderly planning for the use of those funds that are appropriated by the Congress for this important work.

Protecting our homeland is a very important—there is no more important action by the Federal Government, in my opinion. So I hope we can consider this bill with a sense of serious deliberation and work hard to complete action in a timely fashion.

I appreciate very much the cooperation of Senators who are letting us know about suggestions they have for changes in our bill as reported by the

Appropriations Committee. We will consider them, and we will accept those that we can accept. We hope we will be able to have the full cooperation of all Senators in that respect.

MORNING BUSINESS

Mr. COCHRAN. Madam President, since there is not much time left between now and the weekly luncheons both sides have planned for today, it is my suggestion that we go into a period for morning business so Senators can speak if they choose to between now and 12:30 p.m.—I think is the time for the luncheons to begin—and then we can come back in at 2:15 p.m. and resume consideration of the bill at that time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I think this is wise. We have two of the most senior Members of the Senate who are managing this bill. It has been said, and I will say it again, we are doing everything we can on this side to limit amendments. There are people who have amendments, and we want them to be able to offer them to this most important piece of legislation.

We just finished a leadership meeting, and those there who had a number of amendments indicated they would be willing to agree to short time agreements on them. I think it is something on which we can move forward.

I know Senator BYRD has a statement that is—I won't say long, but it is weighty. I think it would be better if we came back after the break and let him begin his statement. Personally, I want to be here to do that. I would agree to be in morning business until 12:30 p.m. with the time evenly divided, and come back at 2:15 p.m. If it is all right with Senator COCHRAN, Senator BYRD can have the floor at 2:15 p.m.

Mr. COCHRAN. That is certainly fine with me, and I join with the Senator in making that request. I ask unanimous consent that the Senate be in a period for morning business until the hour of 12:30 p.m.

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

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from Alaska, I ask the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005—Resumed

The PRESIDING OFFICER. For the information of the Senate, under a previous order, following the adjournment of the Senate yesterday, H.R. 5005, making supplemental appropriations, was received from the House and considered passed by the Senate.

Also for the information of the Senate, all after the enacting clause of H.R. 4567, the Homeland Security appropriations bill, has been stricken. The text of S. 2537 has been inserted in lieu thereof and considered original text for the purpose of further amendments, and no points of order have been waived.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am very pleased to present this appropriations bill to the Senate. It is the culmination of a lot of hard work by all of the members of our subcommittee, as we conducted hearings to review the proposed budget from the Department of Homeland Security, and as we listened to those who have responsibilities for managing the various directorates and other agencies and activities that come within the ambit of the responsibilities of the Homeland Security Department.

We learned a lot in the hearings. We learned about new procedures that were being developed and deployed. We learned about new technologies that were being explored. In the bioterrorism area, we were learning about the research that is being done to make our capacity more sophisticated and capable of protecting the health and safety of all Americans from attacks in that area.

We have been challenged as we have never been challenged before to look again carefully at how we go about protecting the citizens of our great country. The experience of September 11, of course, stays in our mind as something that is unthinkable. The fact that it did happen is still unbelievable, and we realize that we have the responsibility—representatives of the people of this country serving in Congress today—to try to get it right so that kind of thing can't happen again.

We are blessed to be served in the administration by people such as Tom Ridge, the new Secretary of the Department of Homeland Security. The President recommended this new Department be created. The Congress responded. The Governmental Affairs Committee, on which I served at that time, dealt with the challenge of the legal framework of defining the responsibilities of a new department and what activities would come under the Department. We brought together under this one Department 22 different Federal agencies, or at least parts of 22 different agencies. Some, such as the U.S. Coast Guard, were transferred underneath the jurisdictional responsibility of the Department to help make our effort more coherent, more effectively and efficiently managed, and to achieve the goal of making our country safer and more secure for the citizens who live in the United States. I think we have made great progress.

This bill specifically provides funding of $33.1 billion for the Department of Homeland Security for this next fiscal year, 2005. This is the second appropriations bill to fund the Department which began its operations short of a year and a half ago. The new Department has made substantial progress to merge the agency functions and the employees who were transferred under its responsibilities and to undertake its new duties to better secure and more effectively protect our great Nation.

We also have seen a new system put in place called the US VISIT Program to screen visaholders and to stop potential terrorists and those who may be dangerous, because they have committed crimes in the past, from entering our country to start with. US VISIT, through biometrics and other new innovations, has already identified, apprehended, or arrested more than 400 individuals. Through the science and technology directorate, the Department has aggressively moved forward on the successful testing of the first commercial portal monitors and handheld radiological identifiers to detect the smuggling of materials which could be used to build weapons of mass destruction. Federal air marshals have been deployed. State-of-the-art technologies have been introduced, and cockpit doors have been modified to increase the safety of air travel.

I know there can be criticism leveled at the efforts of the Transportation Security Administration which has been the agency identified with the responsibility for overseeing aviation security and many other areas of responsibility. But let me remind Senators—and this is contained in our committee report—I invite the attention of the Senate to the report, on page 31, where we talk about aviation security. My good friend, the distinguished Senator from West Virginia, mentioned people who might bring in bombs or material that can be used as explosives to blow up planes and otherwise harm us.

> The Transportation Security Administration aviation security account [in this legislation] provides for Federal aviation security by employing the most efficient screening of all passengers and baggage, deployment of onsite law enforcement, continuation of a uniform set of background requirements for airport and airline personnel, deployment of the most current explosive detection technology, and creation of a model workplace.
>
> The aviation security activities include funding for Federal and private contract passenger and baggage screeners, including personnel compensation and benefits, training, and human resource services; passenger checkpoint support; air cargo security; procurement and maintenance of explosive detection systems; and checkpoint support.

I suggest that the $4,386,083,000 for aviation security contained in this bill is designed to meet the needs we have for improved and safer air travel, working with the airlines who are spending

their own money in many of these and other areas. I suggest we have the safest air transportation system in the world. And we are going to continue to monitor the activities. We are going to continue to engage in oversight and interaction with the Federal agencies involved, as well as Department of Homeland Security officials, to see that we stay on course and that we continue to upgrade, improve, and take advantage of the latest technologies to guarantee the safety and security of American citizens.

Looking at another area, efforts have been undertaken to increase our stockpile of antibiotics, vaccines, and other medications to protect Americans in the event of a terrorist attack and to identify and develop new countermeasures to protect Americans against new biological threats. Today our first responders, those who work at the fire departments, the police departments, the emergency medical centers, have been provided with resources from the Federal Government to buy necessary equipment, to increase training to better protect our communities throughout the country.

Including the resources in this bill we are presenting today to the Senate, over $12 billion will have been appropriated to our State and local partners across the country, over $2.5 billion to firefighters alone.

The Department of Homeland Security has made important strides in this last year. The bill we present to you today will allow the Department to continue to build on its success and make our Nation even more secure.

If Senators look at the provisions in the bill, they will see that it reflects suggestions made by Senators on both sides of the aisle. This is a bipartisan bill. It is not a Republican bill or a Democratic bill, it is an American bill. It is a bill to protect the safety and security of all Americans. Our committee held hearings and listened to every suggestion made by all Senators for the levels of appropriations for all of these activities.

This is the second year of this bill, as I said, but I think we have made important strides forward. I particularly thank again the distinguished Senator from West Virginia for his cooperation, his support, and his assistance during the development of this bill and the conduct of our hearings and the presentation of the final work product to the Senate today.

I am going to close my remarks—and I will be prepared to receive any suggestions for changes in the bill or amendments or other statements from Senators—by quoting from something Tom Ridge said with which I was particularly impressed. Our Secretary of the Department of Homeland Security said:

> Homeland security is about the integration of a nation, everyone pledged to freedom's cause, everyone its protector, and everyone its beneficiary. It's about the integration of people and technology to make us smarter, safer, more sophisticated, and better protected. It's about the integration of our national efforts, not one department or one organization, but everyone tasked with our Nation's protection. Every day, we work to make America more secure. Every day, the memories of September 11th inspire us to live our vision of preserving our freedoms, protecting America, enjoying our liberties, and securing the homeland.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, the Senate now has before it the fiscal year 2005 Homeland Security appropriations bill. I commend subcommittee Chairman COCHRAN and I commend him highly. I commend his staff for their work on this important legislation. We had an excellent series of hearings this year that I believe helped the subcommittee to produce a bill that contains significant improvements to the President's request.

I also commend the thousands of men and women who are on the front lines of homeland security. We need to give these men and women the tools they need to do their jobs in order to support their strong commitment to serve the Nation every hour of every day of every week of every month.

On August 1, 2004, Secretary Tom Ridge increased the threat level for New York, New Jersey, and our Nation's Capital, to Code Orange, a high risk of terrorist attacks. This is the sixth time since September 11, 2001, that the threat level has been increased to Code Orange.

On July 14, Acting CIA Director John McLaughlin said, ''In the Summer of 2001, we had ample warning of attack, but we didn't know anything about specificity: timing, targets, and so forth. But we did have conviction that something big was coming at us. We have that same conviction now.''

On July 8, Secretary Tom Ridge and FBI Director Robert Mueller announced that al-Qaida cells are operating in the United States and that multiple simultaneous attacks are possible before the November elections.

In late May, the Attorney General announced that he had credible intelligence from multiple sources that al-Qaida plans to hit the United States hard in the next few months.

In the weeks following the Madrid railway bombings, the Washington Post reported that the President informed the Republican congressional leadership that he was all but certain that terrorists would attempt a major attack on the United States before the November elections.

It is past time that we begin debating this legislation as we approach the 3 year anniversary of the 9/11 terrorist attacks and as Congress reviews the recommendations of the 9/11 Commission. The Commission concluded that the terrorists who are intent on doing us harm are so cunning and agile, and sufficiently knowledgeable about this country that they would schedule their attacks when Congress was in session. These reports also indicate that on September 11, 2001, our Government agencies were not prepared to deter or respond to such attacks. I believe that we are still not prepared.

The bill before the Senate provides $33.1 billion, a level that is $896 million above the President's request. Regrettably, the allocation that is available for homeland security programs is inadequate. This is not a criticism of Chairman COCHRAN, nor is it a criticism of full committee Chairman TED STEVENS.

The fact is that limits placed on homeland security funding by the Bush White House constrain our ability to address known threats to the safety of the American people.

In response to the danger of terror attacks so often invoked by the President, the Attorney General, the Secretary of Homeland Security, and the FBI Director, it is hard to believe that the President would not request supplemental appropriations for securing our mass transit systems, for screening airline passengers for explosives, for inspecting more containers coming into our ports, for increasing inspections of air cargo, or for increasing the number of Federal air marshals. When the threat level was elevated to Code Orange, why did the President not seek a supplemental? Why does he not amend his fiscal year 2005 budget request to increase his anemic 2-percent proposed increase for the Department of Homeland Security? Why in Heaven's name?

Why, indeed, does the Department seem satisfied with a go-slow, business-as-usual approach to homeland security? The Department issued advice to mass transit systems for improving security, but provided no funding to increase law enforcement presence, or to deploy canine teams. Despite a 6-percent increase in airline flights this year, the Department has allowed the number of Federal air marshals to shrink precipitously—by 9 percent—and the President's budget would result in even deeper reductions next year. Despite concerns about the safety of our borders, the Department, in March, imposed a hiring freeze on Customs officers and immigration inspectors. What could possibly drive such decisions?

Millions of dollars that Congress approved for port security, bus security, and hazardous materials grants 11 months ago have not been awarded. Why? Millions of dollars that Congress approved in February of 2003, 18 months ago, for the purchase of additional emergency equipment for the 28 Urban Search and Rescue teams have not been spent. Why? Having this money sit in Washington, DC, does not make American citizens any safer.

As a result of the President's decision not to seek supplemental appropriations, the Transportation Security Administration was forced to cut funding for training passenger and baggage screeners and for purchasing equipment for airport checkpoints by $38

million. I am one Senator who believes that this administration is playing with fire.

It has been 2½ years since Richard Reid, the so-called shoe bomber, tried to blow up an aircraft in flight over the ocean with explosives that he carried onto the aircraft. Just 2 weeks ago, two Russian planes were simultaneously blown out of the sky. Preliminary investigations indicate that the planes were destroyed by explosives carried onto the planes by passengers. The 9/11 Commission concluded that we must give priority attention to screening passengers for explosives. Are we any closer to deploying a national system that could check passengers for explosives? The answer is no.

It has been over 2½ years since the Congress passed the USA PATRIOT Act and set a goal of tripling the border patrol and customs officers on the northern border. Have we met the goal? Again, no. We are 1,428 officers short of the goal.

It has been nearly 3 years since 9/11, when police and firemen in the World Trade Center could not talk to each other on their radios. As the 9/11 Commission concluded, many first responders failed to get the order to evacuate the towers, causing hundreds of them to perish. Are we any closer to providing police and firemen across the nation with interoperable communications equipment? Sadly, the answer is no.

The EPA has estimated that there are 100 chemical plants in this country, each of which, if attacked, could harm over 1 million people. In February of 2003, the National Infrastructure Protection Center, which is now part of the Department of Homeland Security, issued a threat warning that al-Qaida may attempt to launch conventional attacks on nuclear or chemical plants. A year and a half later, has the Department actually hardened the security of the chemical plants? You guessed it, no.

I simply do not understand why this administration thinks that homeland security is not important enough to fund. The President campaigns on being the best candidate to protect this Nation, yet each and every budget that he sends to Capitol Hill shortchanges the safety and security of whom? You guessed it, the American people.

Similarly, I am very concerned that we are about to make the same mistakes with our Nation's intelligence services.

The 9/11 Commission offered a large number of proposals to change our intelligence system, each of which needs to be carefully evaluated. Some may work and some may not, but adopting them all lock, stock, and barrel without carefully scrutinizing each proposal simply to beat the political clock is a surefire recipe for disaster. We should not create sheer chaos and bureaucratic turf battles within the very structure that is trying to ferret out another attack before it happens.

For instance, last month, the President signed three Executive Orders to begin implementing the 9/11 Commission reforms. But the Bush administration has not sent a single budget amendment to the Capitol to pay for those changes. Where is the money to operate the new National Counterterrorism Center that the President created by Executive Order? And if there is no new money, isn't the President just reshuffling the deck chairs? Is this the same old story being played out?

This is what we have seen with homeland security. There is great fanfare when the President signs a homeland security authorization bill. But then the appropriations bills and amendments are rejected by the Bush White House as ''extraneous spending''—the very amendments that would keep the promise of the administration's fanfare. When are we going to break this cycle of false promises to the people of this Nation?

Our intelligence services have problems that must be addressed. We have far too few people on the ground in key places on the globe. We have terribly inadequate intelligence technologies. We do not have sufficient backup facilities for our one-of-a-kind intelligence assets. The FBI Director has told every person who would listen about the critical vulnerabilities that he must address to meet today's threats. Yet, instead of taking on these tasks which we know must be done, this government seems all too eager to satisfy itself with shifting boxes and creating bureaucracies.

In the legislation before the Senate today, we try to break that cycle. The $896 million increase that is in the Senate bill will help to address some of the gaps in the President's homeland security budget. The bill includes $150 million for mass transit security, none of which was requested by the President. Instead of cutting port security by 62 percent, as proposed by the President, we are providing at least a modest increase over last year for port security. We are providing $98 million more than the President requested for replacing the Coast Guard ships and planes that are deteriorating at a dangerous pace. Funds are included to stop the loss of Federal air marshals. Additional funding is also provided for air cargo security and explosives-detection equipment and for additional radiation detectors that can be deployed at our ports.

We continue to fund effective programs that the President wanted to cut or reorganize, such as the fire grants program and the All Hazards Emergency Management Performance Grants program.

In addition, the bill contains an important protection for the privacy rights of Americans. I thank Chairman COCHRAN for his support of my amendment in subcommittee concerning CAPPS II, the Department's proposed new airline passenger profiling system. By restating the language that was in the 2004 act, this bill allows testing of the project to move forward, but ensures that the system will not be deployed until GAO confirms that privacy rights will be protected, that an appeals process is in place, that the data in the system is accurate, and that the data is protected from unauthorized use. On July 15, Secretary Ridge announced that CAPPS II, in its current form, would not be deployed. I am encouraged that he finally got the message that the Congress has been sending him for over a year about balancing our need for protection with our rights to privacy. On August 26, the Department announced a replacement program called Secure Flight, but details are not yet available. I look forward to hearing the details of the plan so that we can determine whether the privacy rights of our citizens are protected.

With the limited funds that were made available to the subcommittee under our allocation, Chairman COCHRAN has produced a good bill. And I commend him for it.

However, this Nation faces a turning point, as we are challenged, once again, by the threat of attack on our shores. We know that terrorists live among us. Yet we do not know where they will strike, we do not know when they will strike. We do not know. What we have are warnings from the Attorney General, from the FBI Director, and even from the President that al-Qaida is planning an attack here within our shores. Are we prepared to prevent such an attack? Are we prepared to respond to such an attack? Look at the funding levels and decide.

The bill that is before the Senate contains an increase of about 5 percent above the fiscal year 2004 level. The President is certain that America is going to be attacked again soon, yet the Senate is debating a bill that provides for a 5-percent increase. If an attack occurs, it will be on the head of this White House to explain why they pinched pennies with homeland security.

Congress has a responsibility to protect the Nation. So does the President. The country's serious vulnerabilities demand that we invest dollars where they are most needed.

That is why I intend to offer an amendment to this bill to target increased funding to those programs that have the most impact on well-documented vulnerabilities, such as rail security, port security, chemical security, fire and other first-responder programs, and border protection.

Mr. President, more than 95 percent of the Nation's overseas cargo moves through our ports. The U.S. Coast Guard estimates that a one-month closure of a major U.S. port would cost our national economy $60 billion. We inspect only 9 percent of the cargo containers that come into our seaports. The 9/11 Commission concluded that we must do better, and I agree. In order to

help secure those ports, the Coast Guard estimates that $1.1 billion is required to implement the Maritime Transportation Security Act in the first year, and $5.4 billion over 10 years. Yet the President requested only $46 million for port security grants, and this bill only provides $150 million. We need to do more.

On March 11 of this year, terrorists attacked commuter trains in Madrid, Spain, killing nearly 200 innocent passengers. The President has not requested a dime for mass transit security. We should be investing in additional guards, better training, additional canine teams and better surveillance. Chairman COCHRAN has initiated a $150 million program for mass transit security, but the Senate Banking Committee has reported a bill authorizing over $3.5 billion for fiscal year 2005 for mass transit security and the Senate Commerce Committee has reported a bill authorizing $1.2 billion for rail and Amtrak security. Americans use public transportation over 32 million times per workday. We need to do more.

The Hart-Rudman report on the terrorist threat in this country recommended a $98 billion investment in equipping and training for our first responders over the next 5 years. Yet, this bill cuts first-responder funding below the levels enacted last year. The committee report calls on the Department to finally issue Federal guidelines to assist State and local governments in making wise purchases with first responder funding, but guidelines are not a substitute for money. The bill would reduce first-responder funding by $778 million from the fiscal year 2004 level, including cuts in the fire grant program. That is not acceptable.

This is a good bill but it simply does not do enough. My amendment, which I shall offer, will not simply throw money at homeland security. It will address specific, known vulnerabilities. It will fund a number of the security weaknesses identified by the 9/11 Commission.

Last week, the President said:

> This election will also determine how America responds to the continuing danger of terrorism—and you know where I stand. Three days after September 11, I stood where Americans died in the ruins of the Twin Towers. Workers in hard hats were shouting to me, ''Whatever it takes.'' A fellow grabbed me by the arm and he said, ''Do not let me down.'' Since that day I wake up every morning thinking about how to better protect our country. I will never relent in defending America, whatever it takes.

Whatever it takes? Well, Mr. President, it takes more than empty promises to protect this country from attack. If President Bush meant what he said last week, he would not accept a bill that cuts funds for first responders, that leaves first responders unable to communicate, that leaves airline passengers worrying about whether a fellow passenger has the means whereby to destroy the plane, whether a passenger has brought explosives on board, or that fails to adequately invest in securing our ports, our chemical facilities, and our trains.

Again, I commend Chairman COCHRAN for his work on this important legislation. He conducted hearings. He conducted fair hearings. I encourage Members to bring their amendments to the floor so that they can be considered and so that we can bring this bill to final passage and go to conference. We need to get a good freestanding bill to the President's desk. We have waited far, far too long.

Mr. President, I ask the Senate to support this bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. 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. NELSON of Florida. Mr. President, we are considering a must-pass piece of legislation, the Homeland Security bill. Because of that, it is an appropriate vehicle to amend to pass other must-pass appropriations. The appropriation I am speaking of is hurricane relief for the battered State of Florida and, in some cases, parts of Georgia, as well, but particularly the State of Florida because of not only one hurricane but two hurricanes. Hopefully, the good Lord is not going to make it three hurricanes.

Hurricane Ivan is on a track, as of the latest advisory from 11 this morning from the National Hurricane Center, to come across Jamaica, up over the western side of Cuba and into the Gulf of Mexico, which is almost the identical track Hurricane Charley took 4 weeks ago.

Let us hope if it continues on that track that it continues on into the Gulf and does not take a right turn, which is what Hurricane Charley did, hitting the coast of Florida at Ground Zero, which was Punta Gorda, FL, with winds of 145 miles an hour coming straight off of the Gulf of Mexico and right up Charlotte Harbor.

We cannot do anything about that because that is the forces of Mother Nature, but what we can do is respond as a Federal Government in times of natural disaster emergency.

We started that process last night when we passed a $2 billion supplemental appropriation. That is not nearly enough for the first hurricane, let alone the second hurricane. The $2 billion appropriation was a figure the President requested, which is the ordinary procedure. Senator GRAHAM of Florida and I had first ballparked only the FEMA portion at $2.5 billion and requested that of the President. The President chose a $2 billion figure and it is our normal custom, in times of national emergency, to go with the President's request. So with bipartisan unanimous support, we passed a $2 billion appropriation last night. That was quite timely because FEMA's coffers were running dry today.

Four weeks ago, FEMA had only $837 million in its emergency disaster relief fund. As of Monday, when I met with the FEMA director and his regional director who is now in place in a headquarters in Florida, they were down to less than $100 million and they were not able to pay bills and order supplies because they were fast running out of money. Thanks to the majority leader and minority leader and the leadership of the various committees of this body, the Senate passed what had been sent over from the House and $2 billion has now replenished the emergency disaster relief fund.

That is going to be used pretty quickly. That was only for FEMA. That does not say anything about the $500 million we are estimating through the Department of Agriculture in crop losses and all of the assistance from the Department of Agriculture not only for crop losses but for damage to equipment and buildings. Of course, that does not say anything about assistance to the Department of Transportation, where there was significant damage to airports in Florida, including the Orlando International Airport that got hit not once but twice.

That does not even say anything about a lot of that assistance that comes through the Small Business Administration, which is not only assistance for businesses but assistance to individuals, as well as low-interest loans to help people get back on their feet. That does not say anything about assisting the American Red Cross, which has been down there not once but twice now in helping people who are walking around in a daze with no power, with a home that has been completely destroyed.

So in times of natural disaster, the costs begin to mount up. I will give a means of comparison. Twelve years ago in the monster hurricane, Hurricane Andrew, that savaged south Florida, it was a hurricane that went over a relatively unpopulated part of the State, south Miami, south Dade County, the city of Homestead, but then it exited over the Everglades, an unpopulated part of Florida. Yet, 12 years ago, the cost of that hurricane to the Federal Government, just for FEMA, was $2.9 billion. The total cost to the Federal Government, including all of these other agencies, some of which I have mentioned, was over $6 billion, some $6.3 billion.

We are now dealing with not one hurricane, which was not as destructive as Hurricane Andrew for comparison, but now we are dealing with the second hurricane.

Now I will speak about this second hurricane, Hurricane Frances. By the time it hit the shore at Fort Pierce, its winds were down to 105 miles an hour. There were gusts of up to 120 miles an hour and those gusts were recorded at the Cape, what we refer to as the Cape,

Cape Canaveral, the Cape Canaveral Air Force station at the Kennedy Space Center. That center sustained considerable damage. The big vehicle assembly building, which used to be the largest building in volume in the world when it was constructed in the 1960s, used today to stack the space shuttle vertically to all of its component parts, was ravaged to the point of losing 1,000 panels, each panel being 10 feet by 4 feet, a total of over 50,000 square feet that is now open into the building.

I do not need to paint the picture of the disaster that could occur if this third hurricane were to come and hit the Kennedy Space Center, with the thousand huge, open windows allowing the forces of Mother Nature to go inside the vehicle assembly building. That could set back the American space program considerably if there were significant damage.

I had a little prayer session in the Commerce Committee with the administrator of NASA today about what we are going to do about this and how NASA itself has got to be a part of this emergency appropriation, as the Department of Defense was 12 years ago when Hurricane Andrew did so much damage to Homestead Air Force Base. So, too, we have this problem at the Space Center. By the way, it is not only the vehicle assembly building.

There is no excuse for why the building that manufactures the delicate silicon tiles that go on the underbelly of the Space Shuttle Orbiter was ripped apart when these winds came across the Cape. My colleagues should see pictures of it. Our ability to produce the thermal protection system for the space shuttle was savaged by these winds. There is no excuse for not having a building that is constructed to withstand hurricane force winds, and I have asked NASA to answer to that. The fact is, it has happened and it is going to have to be repaired, as is the roof of the building that handles the central computers that has now been ripped off. What I am saying is there are going to be a lot of costs because Mother Nature has dealt us a very savage blow.

The gentleman handling this legislation is the distinguished Senator from Mississippi, who is also an expert in agricultural appropriations.

I am sure the Senator has already gotten the reports that the first hurricane savaged the citrus crop 100 percent. Even more, because the young trees that snapped, that were loaded down with fruit, by the way, now have to be pruned back. So the loss of the orange crop is not just this year, 100 percent of the crop, but that loss will be sustained over several years as those pruned-back orange trees will take years to grow back. So that is the agricultural loss.

If that were not enough—let me call this to the attention of the chairman of the Agricultural Subcommittee of the Appropriations Committee. If that were not enough, here comes the second hurricane, and it ravages another part of the citrus growing region in Florida called the Indian River citrus region, where the delicacy fresh grapefruit is grown. There is no telling, I have not gotten the estimates of what happened, but if it is like the first one, even those grapefruits still on the tree, with the root rot going on with the floods, it is likely it is a 100 percent loss as well.

We can see the extraordinary destructive force of nature that has hit us. Lord forbid a third one, Ivan, comes to our State. We don't wish it to go to anybody's State.

Floridians are tired; they are stressed; they are hot; their patience is wearing thin. Yet they have been very appreciative of the response. One of the lessons that we learned from Hurricane Andrew was that it was total chaos afterward. One level of government was not talking to another level. That has been changed. There is communication and cooperation efficiently going on between all levels of government. However, when you get hit not once but twice, with the possibility of a third time, then the human endurance and the ability to respond to natural disaster begins to have a finite limit.

If there is one reason for the Federal Government to exist, it is to help its people in times of disaster. I will later on be offering some amendments to this bill. Most of what I have proposed here I would prefer that we strip off this bill and we handle it as a free-standing bill so it doesn't get mired in all of this. But I am only going on the instructions that the majority leader has given me, which is that we passed the $2 billion last night and he wanted to—and it was his words, many times over—attach it to the Homeland Security bill. So we can discuss what is the appropriate venue.

I yield to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I am happy to compliment the distinguished Senator for his description of the damages in Florida. We are all keenly aware, because the of the images on television, and the description in the newspapers, conversations with friends and family members in that State, how terrible those storms have been and the devastation that has been caused.

One thing that reminds me of the history of my own State is the terrible force of the wave action. I can remember when Hurricane Camille struck the Mississippi Gulf Coast in, I think, 1969, that storm did more damage than any other hurricane that had ever hit that part of the gulf of Mexico. I recall going down to the gulf of Mexico and visiting that area, seeing how devastating the damage was and how long it took to recover from it. As a matter of fact there are still scars. There is one shrimp boat about 2 blocks inland now that is sitting there as a reminder of the force of that hurricane.

The fact of the matter is, and the Senator is correct, the $2 billion the Congress has approved for a supplemental appropriation for the Federal Emergency Management Agency is targeted just to the Disaster Relief Fund. This is, as the Senator knows, to provide emergency assistance of food, shelter, debris cleanup—taking care of the emergency situation that exists. That fund was going to be exhausted this morning when the President signed the bill appropriating this additional money. So, with this funding, that account is taken care of.

As the Senator indicates, there is a lot of other damage that is outside the jurisdiction of the Federal Emergency Management Agency. The Department of Agriculture and other Federal agencies may have responsibilities and they may not have sufficient funds to meet all the needs for which some people are entitled to reimbursement or some kind of disaster relief under Federal law. For that reason the President indicated in his request to Congress which he submitted on September 6—and I'll read this. He said:

> The enclosed request requires immediate action by the Congress to ensure that the immediate response efforts to these recent disasters continue uninterrupted. I anticipate making a further request in the coming days that will provide for a comprehensive response and recovery effort addressing the impact of both of these hurricanes. In addition, federal government agencies will continue their response and recovery efforts using existing resources and programs.

What we get from that is the President is submitting and, we have been advised by the President's staff, that in the coming days there will be another supplemental appropriations bill requested by the President. It will not be the bill that we are considering today, though. This is the annual appropriations bill that funds the entire Department of Homeland Security, Coast Guard, the Secret Service—the 22 various agencies that are combined within the ambit of the Department of Homeland Security.

I suggest to the Senator we would welcome any suggestions he has for inclusions in the additional supplemental that will be before the Congress soon, at the request of the President.

Mr. NELSON of Florida. I thank the Senator for his comments. It would be this Senator's preference that we have an emergency supplemental just for the hurricane damage, including all of these agencies as well as—I didn't even mention the Army Corps of Engineers. We had severe beach erosion; in some cases, beaches disappearing. I just mentioned, for example, citrus, but we are talking about huge losses in nurseries, in vegetables, in cattle, hogs, the oyster/clam industry, timber—just to mention a few. It would be this Senator's preference clearly to have a stand alone supplemental. However it was Senator FRIST, the majority leader, who called me saying he wanted to use this vehicle, the Department of Homeland Security, to which to attach those

additional emergency supplemental requests.

If there is a change in that, and I get assurance that in fact this other legislation will move because of the necessity of it—I remind you the $2 billion last night was just FEMA for the first hurricane, Charlie. That doesn't address all these other agencies and it doesn't address FEMA for the second hurricane, Hurricane Frances.

I will certainly work with the Senator. But I am one way or another going to make sure we have this appropriations request before the Senate under the emergency conditions that we find ourselves facing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator SCHUMER is here. He has a very important amendment to offer. I think we could probably agree on a time for debate. We of course will ask the majority what time we want to vote. But I gather the Senator from New York would be in agreement to a time limit on his amendment.

Mr. SCHUMER. I thank my colleague from Nevada. I would be happy to set a time limit and then have a vote on the amendment.

Mr. REID. Could the Senator give us an idea about how much time it might take? Senator COCHRAN usually likes to work under time agreements. Could we have a general idea?

Mr. SCHUMER. That is fine with me. Maybe we could have a few minutes for the majority and a few minutes for the minority.

Mr. REID. We have a general idea about how much time it would take. If we could have a vote sometime before 5 o'clock?

Mr. COCHRAN. Mr. President, before we start agreeing on times for votes, that is above my pay grade. We have a distinguished majority leader, and we will have to consult with him and other Senators.

Mr. REID. I did mention that, but to give Members an idea of when there might be a vote, Senator SCHUMER is ready to offer his amendment.

Mr. COCHRAN. It depends on what his amendment is. We may all rejoice and vote for it. Who knows? Again, we may not.

Mr. SCHUMER. If my colleague will yield, I can assure him it is a good one.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Thank you, Mr. President. I will be offering an amendment on nuclear security in a few minutes. But first I would in general address this bill.

Let me first say at the outset I am glad we are doing this bill now. As you know, many of us on this side of the aisle asked that this bill come up much sooner. But to do it right here as our first order of business when we return from the summer break after the two conventions I think is very good. I am glad we are on this bill.

The second point I would make is this: I don't think anyone on this side—certainly not the senior Senator from New York—wants to obstruct or not have this bill pass. We want it to move forward. So there is no intention to delay. As my good friend from Mississippi has seen by my asking for a short period to debate this amendment, having spent 18 years in the House of Representatives, 45 minutes is a lifetime there, but here in the Senate it is a relatively short amount of time. There is no intention for dilatory tactics or anything of that sort.

I believe, being head of our Democratic Task Force on Homeland Security, and having talked to many of my colleagues about further amendments, my friend, our chairman of the Subcommittee on Homeland Security Appropriations, will find similarly short time limits are being called for. That is all the good news. The bad news is many of us think this amendment being brought before us is woefully inadequate. I would like to discuss that in general.

I have been quite hawkish on the war on terrorism, having supported the President's request to go into Iraq. I supported the $87 billion and I believe we need a strong and muscular foreign policy overseas. Mistakes are often made. We should do a lot better in terms of those mistakes. But inaction is perhaps the greatest mistake of all.

I am for fighting a vigorous war on terror overseas. I believe what our President said—former President Bill Clinton—is exactly right. To have strength and intelligence—that is exactly what he said, something to that effect—are not mutually exclusive categories when fighting a war on terror. If we are fighting a strong war on terror overseas, we are certainly not doing it here at home.

If I had to choose perhaps the greatest weakness of this administration in its war on terror, it would be the inadequacy of what we are doing here at home. The bottom line is this: We get a lot of rhetoric. We don't get the focus, the thoughtfulness, or the resources, the dollars to do what we need to do. Sure, if you think this is a 20-year plan, maybe we are doing enough. But we sure don't think it is a 20-year plan when we go overseas, nor should we. It is not a 20-year plan here.

Let me say this. This is my own view. We have a window in this global war on terror. In other words, my view is that this war on terrorism we face can be described in a single sentence; that is, the very technology which has blessed our lives and accounted for so much of the prosperity we have seen over the last two decades here at home has an evil underside, and that is that small groups of bad people can get hold of that technology and use it for terrible purposes. You can be in a cave in Afghanistan, and as long as you have a wireless connection to the Internet you can learn as much about America as any of us knows. If you took 500 random people anywhere on the globe from the most highly intelligent and well-read and studied to maybe the guy who sweeps the floors at night and injected them all with an evil virus so that they all decide to spend the next 5 years figuring out how to do terrible damage to the United States and then implement it, the odds are too high they can succeed.

This is not simply a war against al-Qaida. Al-Qaida is the first group who learned how to use this technology to cause the terrible events in the city from which I hail and which I so love. Al-Qaida is on the run. We have not done enough maybe in Afghanistan and Pakistan, but clearly al-Qaida is weaker today than it was then. But it is only a matter of time before new groups—maybe the Chechens, maybe the East Timorese, maybe even the skinheads in western Montana—figure out they can use this technology and do terrible damage. So we have a window. It may be 2 years, it may be 4 years, it may be 6 years, but it sure as heck ain't 10 or 20 where we can tighten up our defenses, because even though we have to fight the war on terror overseas we also have to prepare a defense at home.

If 500 people can do such terrible things, the odds we will be able to catch all of them before any of them implement the first strike against us is rather small.

Like anyone who follows sports knows, to win a game you need a good defense and a good offense. Whether you agree with this administration or disagree, you can't take away that they are focused on that offense. When it comes to defense, they are not home. They would be ranked as one of the worst defenses around. I have tried to figure out why this is, why we are doing so little on homeland security at home; why when it comes to our ports or our trucks or our rails or our borders, we are making such slow and halting progress, almost grudging progress, if you will.

I am not a person inside the brain of the President or his chief advisers, but having talked to people who have worked there and left—some of them in disgust—I can tell you that part of it is a lack of desire to spend the dollars necessary. Spend whatever it takes overseas, fine; spend whatever it takes here to make us secure, the money is not there.

There is also the mistrust of Government, a sort of antigovernment view that Government is not a good thing, that Government is not going to do it right, that Government should be the place of last resort. Unfortunately, when it comes to the war on terror, it is only the Government that can do it, whether it be overseas or here at home.

But as a result, this administration, in my judgment, whatever grade you give them in fighting the war overseas, would get a D or an F in most areas in terms of fighting the war here at home.

Let me give some general places where we are not close to doing

enough. Regarding the air, we have done a good job making sure another September 11 does not happen specifically in the way it did; in other words, simply bolting the cockpits of all our planes greatly cuts down the average of a plane being hijacked. Putting air marshals on the planes makes a great deal of sense. We have made progress inspecting baggage and luggage. In fact, I think the TSA has done a good job and is an example that Government can do a good job. They are doing better than the private sector did when they were hiring people at minimum wage who hardly spoke English. However, even in the air we are vulnerable to terrorists using shoulder-held missiles and taking down our planes. We can stop that.

There will be an amendment offered here either by me or by somebody else that will push us to do more, much more quickly. Are we doing nothing in these areas? Absolutely not. We are doing a little bit. Again, if you believe that we can take 20 years to tighten our defenses before, God forbid, terrorists strike again, that is fine. If you believe we have a window that may be 3 or 4 or 5 years, it is a dereliction of duty. It is a dereliction of responsibility, the same as not protecting our troops overseas.

Take the rails. We learned in Madrid that terrorists may want to hurt people by blowing up trains and railway stations. The best way they do that, the most efficacious way, is by using regular explosives. We have the technology to develop devices that can be like smoke detectors. They can be put on every railroad car, in every railway or subway station. If someone walks in with nitrates, they will be detected. We do this, of course, on airplanes. We have sniffing devices which are now used in a few airplanes. I went through one of the devices in Rochester. It works well. That does not work for crowded trains and commuter rails and subways. We can increase the technology and it can be like a smoke detector. Place it on the ceiling, and it goes off if somebody carries explosives, thereby thwarting a blowing up of a train or a railroad station. We are not doing that.

Nor are we protecting the egress and ingress at most of our train stations in case, God forbid, something blows up. Penn Station, the busiest rail station in the country, still has tunnels a mile and a half long without ventilation and without escape routes. Two or three years ago we allocated $500 million to improve that. Only $100 million has been spent.

My colleague from California, Senator BOXER, will have an amendment on rail security that will address some of these concerns. She and I will be talking about that.

What about the ports? We are still only inspecting, at best, 5 percent of all incoming containers. I was speaking to a few people who run the container operations in parts of New York. They say it is more like 1 percent that we are inspecting. Who knows what is in the containers? Shoulder-held missiles, nuclear weapons, terrorists themselves. They caught someone actually in a container trying to smuggle himself into Toronto. We do not inspect these containers. Almost anything can be in them. Again, the technology is there to do more, quicker, and better inspections, to detect explosives or biological or radiological compounds and to put a lock on the container so it cannot be opened again and something be placed in it. My colleague from Washington will be offering an amendment on port security.

How about trucks? We have learned al-Qaida is now using truck bombs as a weapon of choice. This is what our intelligence picked up when we had the last scare that said something might occur during the political season, either at the conventions—which, thank God, it didn't—or maybe closer to the political season. There were indications that truck bombs might be used. There are things that can be done, things that are technologically available and feasible to deal with truck bombs. We can, for instance, require any truck that carries hazardous material have a GPS system so we know exactly where they are going. If they go off course, we will know. If they are stolen, we will know. A truck was stolen in Pennshauken, NJ, my neighboring state, that contained hazardous material. It is missing. It has been missing for 3 months. Who knows who has it. The odds are it was robbery, but it is always possible someone for far more evil purpose was stealing that truck.

In Brazil, a country hardly as technologically advanced as we, every truck has a GPS system. When they go off course, it cuts off so the truck cannot run any further if they are worried. Brazilian truck companies did this to prevent theft. Why aren't we requiring it here? The cost is minimal. Put a GPS system in your new Cadillac, it costs a couple hundred bucks more. We can do the same thing for trucks.

We can have some controls on how ammonium nitrate is sold, which is used in truck bombs. We cannot stop it or limit it; our farmers need it. But certainly when someone buys a lot we could require they identify themselves and call an 800 number to make sure they are not on a terrorist watch list or a previously convicted felon.

We can put taggants in the explosions. With nanotechnology, the marking devices are very tiny and do not interfere with either the cost or the effectiveness of the explosive. That way, we can find out who tried to buy certain materials. It serves as a deterrent, as well. We are doing virtually none of that.

By the way, there will be an amendment on truck security.

Are our chemical plants secure? Absolutely not. My colleague from New Jersey, Senator CORZINE, has been the leader on this issue. His State is one of the leading chemical producing States in the country. A terrorist can easily scout out a chemical plant and make plans to blow it up, creating huge damage. All these areas are not areas where we do not know what to do. We know what to do. They are not areas where the technology is not yet able to be developed. It is able to be developed.

I have talked to experts in all of these areas until I am blue in the face. We do not have the urgency coming from this administration when, time and time and time again the Senator from West Virginia, who has been such a leader on this issue, Senator BYRD, or any who have been focused on this area, have brought amendments to the Senate to provide the dollars to make these things feasible, we have been told we do not have enough money.

I ask, would most Americans rather see these things being done and have maybe half a percent less cut on the top tax rate? In other words, say we go, instead of from 39 to 35.5 percent, that would give us enough money to do all of these things. This is not a political choice. This is hardly pork. This is protecting our homeland every bit as much as providing our soldiers overseas with the weaponry, the backup, that they need. Yet no one is home. There is some rhetoric, but every time the dollars aren't there, there is not the focus, there is not the alarm, the sense of urgency some Members feel.

As we debate this bill, many Members will offer a series of amendments on each of the areas I have talked about and then some others.

These amendments are not intended for any political purpose. They are intended out of a sense of urgency, out of a sense of anxiety, out of a sense of even anguish that we are just not doing enough. I will be here making sure we vote on every one of these amendments. It will probably take us a day to debate them all, a full day, and if others say we do not have that kind of time, I would argue we do. If the majority leader thinks we have to work late to consider these amendments, so be it. But we are just not doing the job.

One final issue which I will be bringing up is our first responders. Our hospitals, our police departments, our fire departments—Senator MIKULSKI will have an amendment on the fire grants—are stretched. They have done a great job in their respective areas. Our police do a great job on the war on crime. Our fire departments keep us safe. Our hospitals are more and more advanced. But each of them has been asked to do special things since 9/11. Each of them has new burdens placed upon them and we are not giving them the dollars they need to do it.

Now, you may say, well, let the localities pay for it. But the hospitals in the localities are not paying. With Medicare and Medicaid reimbursements what they are, with the HMOs being more and more efficient, they do not have the money on their own. So if we do not do it, no one will.

With police and fire, it is not much different. We all know how our localities' budgets are strapped. We all know that the property taxes are a huge burden on people. To ask them to raise the property tax burden to do this means it either will not be done or will not be done in the full way that it should. Yet we are not helping our first responders: our police, our firefighters, our hospitals.

So there will be another amendment, I neglected to mention, which I will offer to increase funding overall for first responders. Senator MIKULSKI will have an amendment on the fire grants. But the bottom line is this: There is, as I said, a dereliction of duty, a dereliction of responsibility on homeland security. This administration almost has a disconnect. Dollars do not matter when it comes to fighting the war overseas, when it comes to defending our soldiers. Dollars cannot because their lives are precious. But dollars almost are the end-all and be-all when it comes to homeland security, and we do not do close to what we should be doing.

So in terms of my general remarks, I look forward to debating this bill. I hope some of my colleagues on the other side of the aisle will join us in supporting these amendments.

The bottom line is very simple: No one knows how the war on terror is going to twist and turn over the next generation. That is why I tend to like proactive policies both abroad and at home. But no one is a genius. There are a few geniuses, but not enough of them. No one can foresee the future, so we do not know what is in store for us. We certainly want to cut down the odds of a terrible, terrible incident occurring again the way one did on 9/11 in my city.

I wear this flag in memory of those who we lost. I put it on September 12, and I wear this very flag every day. I knew some of the people. I was friends with a firefighter who died, a guy who I played basketball with in school who died, a businessman who helped me as I was on my way up politically. So it is sort of personal. But the anguish I feel is maybe one-tenth the anguish, one-one-hundredth the anguish, one-one-thousandth the anguish of the families who live with this every day. But they would want us to do everything we can, and we are not.

It is my hope this debate will, at the very least, elucidate places where we are not doing what we should, and maybe even provide the kind of dollars, resources, and focus that have been so sorely lacking thus far.

AMENDMENT NO. 3580

With that, Mr. President, I now send an amendment to the desk to address the critical issue of nuclear security in our ports in terms of research and development.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 3580.

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

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, a point of order. I have no objection to the dispensing of the reading of the amendment, but a point of order. Is there already an amendment pending from the Senator at the desk? Is this the second amendment or is this a different amendment?

The PRESIDING OFFICER. There are no other amendments pending.

Mr. COCHRAN. Fine.

The PRESIDING OFFICER. Without objection, it is so ordered. The reading will be dispensed with and the amendment will be considered as read.

The amendment is as follows:

(Purpose: To appropriate an additional $150,000,000 for port security research and development grants)

On page 19, strike ''$2,845,081,000'' and all that follows through ''grants;'' on page 20, line 11, and insert the following: ''$2,995,081,000, which shall be allocated as follows:

''(1) $970,000,000 for formula-based grants and $400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided,* That the application for grants shall be made available to states within 45 days after enactment of this Act; that States shall submit applications within 45 days after the grant announcement; and that the Office of State and Local Government Coordination and Preparedness shall act within 15 days after receipt of an application: *Provided further,* That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 60 days after the grant award; and

''(2) $1,550,000,000 for discretionary grants for use in high-threat, high-density urban areas, as determined by the Secretary of Homeland Security: *Provided,* That $300,000,000 shall be for port security grants;''.

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

Mr. SCHUMER. Mr. President, this amendment deals with, to me at least, the greatest nightmare that—how much time does our side have, Mr. President?

The PRESIDING OFFICER. There is no pending order for time.

Mr. SCHUMER. Oh, we did not have a time agreement? Thank you, Mr. President. I only intend to take another 10 to 15 minutes on my own, and then maybe if my colleague from Mississippi speaks in favor of the amendment I will not even speak further. But if he speaks against it, I will try to answer what he has to say.

Mr. President, if you think of all the terrible things that terrorists could do to us—and there are so many you almost run out of mental space thinking about them—perhaps the worst that I can imagine is that a nuclear weapon, and I am not talking about a dirty bomb, which would be bad enough, but a real nuclear weapon would be smuggled into this country and exploded anywhere in the country, but particularly in one of our large cities.

The damage would be unimaginable. It is guessed if it were even a 10-kiloton device—smaller than the devices that were exploded in Hiroshima and Nagasaki—that over 100,000 people would die immediately, hundreds of thousands more in the next month, and then perhaps even millions over the years from the radiation. The economic loss would be incredible, not just in the city where it was exploded but wherever the wind currents blew in terms of where the radiation blew. It would probably, in many ways, change the way of life that we cherish for every American, no matter in what part of the country you lived.

So it seems to me we should be doing everything we can to prevent a nuclear weapon from being exploded here. Part of that, of course, is to try to buy up the nuclear weapons we know parts of the former Soviet Union have had and a few other countries have had. We should be funding Nunn-Lugar. But the amendment does not go to that. The other is to prevent them from being smuggled in.

There is good news and bad news about nuclear material. The good news is, in terms of detection, every one of them emits something called gamma rays which can be seen and detected through metal, through anything but lead. Lead is very heavy, so it is hard to detect a device totally surrounded by lead. And then you can detect lead anyway.

The bad news is, right now the detection devices we have are not very proficient. They still have to detect the nuclear material at relatively close range. A Geiger counter needs 3 feet. Some of the other ones that have been developed need a little bit more space.

They are not foolproof, to say the least. I have talked to scientists in my State at Brookhaven National Laboratory and to scientists in many other States, and devices could be developed that, No. 1, detect any kind of nuclear materials from 70 or 80 feet away and detect them in a far more foolproof way than the present devices.

Now, the only way a nuclear device can be smuggled into this country very easily—the only remaining way—is in large containers that come into our ports by the tens of thousands every day or in a truck that goes over the Mexican or Canadian border.

It is very easy to imagine that we could place these detection devices on every crane that loads a container coming to our country. You may say: Well, there are thousands of cranes all over the world. That is true, but already we only allow containers to come into this country that are loaded from 15 ports. I do not have the list of them, but it is Antwerp, Singapore, places such as that. You do not want to detect them here because then they could be exploded while the ship approaches our shores and is not yet here. It could be placed on every toll booth. We would basically prevent any nuclear weapon from being smuggled into the country.

But the devices that really work well and can detect radiation far enough away and do it well and sensitively are not yet developed.

Scientists say that with a couple of years of research they can do it. They right now detect small amounts of nuclear material in cyclotrons and atom smashers at a great distance, but those devices are too large and delicate. They can't be bounced around very much to work.

All it takes is spending some dollars, maybe $150 million, maybe $250 million—it sounds like a lot, but it is not in terms of the $1.7 trillion budget—and then installing them in the ways that I have stated.

I have tried for 3 years to get this body to do it. A few years ago we accepted an amendment that would have at least put in $150 million for these devices. But when it came back from conference, only $35 million was left. Guess what. That was in the 2003 budget. They still haven't spent it. Is that amazing? It is $35 million to start on this research, and Homeland Security still has not let the contracts.

What is going on here? This is a huge catastrophe that could, God forbid, happen, and we are just asleep at the switch.

This amendment seeks to rectify that. This amendment will provide all of the necessary funding to develop the devices and then install them in places we need them. My guess is the whole process would take 2 to 3 years, if we really put the energy and the muscle into it. It is true that there are a few places where we are doing this with rudimentary, more primitive types of detection devices. Yes, one of them is in my harbor, Howland Hook on Staten Island. I have visited. I see how it works. It is better than nothing. But it isn't close to good enough. That is one container port, and there are 40 or 50 in New York alone.

We all know the terrorists have access to the Internet, and they know exactly where nuclear devices are being detected, the few ports that they are, and the huge number where they are not. They also know that the detection devices could be a lot bigger.

What we really want to do is develop a super Geiger counter, one that can detect nuclear materials from a distance and one that is more accurate. Again, you put it on every crane that loads a container bound for the U.S., on every toll booth that has a truck that will go into the U.S., you have dramatically reduced the odds of this type of catastrophe occurring.

Is there anyone who doesn't believe we should do that? Is there anyone who thinks the funding we are asking here, which is an additional $150 million, isn't worth the cost? Yet my guess is that when we have this rollcall vote in a short while, people will just march up to the podium and vote no, and there is no good answer.

I hope my colleagues will not do that. One hundred fifty million dollars is not going to break this bank. It is quite broken already. It is not going to break it much further, and it will do a world of good.

I urge my colleagues to support this amendment. I hope, if we are going to support the amendment, that we will see it through in conference and not do what happened a couple of years ago where it was knocked out in conference and a much smaller amount of money was provided for and then that money was not spent.

I am ready to sit down. I know my colleague from Mississippi wants to move the bill forward. I do not disagree with that. I think the argument is pretty clear and pretty succinct. I hope we will be off to a good start on this bill by supporting this amendment and by not ignoring homeland security, particularly a catastrophe that could occur if a nuclear weapon were smuggled into this country.

AMENDMENT NO. 3580, AS MODIFIED

Mr. President, I have a modification of my amendment at the desk, and I ask unanimous consent that it be so modified. It is just changing one number.

The PRESIDING OFFICER (Mr. CORNYN). The Senator has that right. The amendment is so modified.

The amendment, as modified, is as follows:

On page 19, strike "$2,845,081,000" and all that follows through "grants;" on page 20, line 11, and insert the following: "$2,995,081,000, which shall be allocated as follows:

"(1) $970,000,000 for formula-based grants and $400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided,* That the application for grants shall be made available to states within 45 days after enactment of this Act; that States shall submit applications within 45 days after the grant announcement; and that the Office of State and Local Government Coordination and Preparedness shall act within 15 days after receipt of an application: *Provided further,* That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 60 days after the grant award; and

"(2) $1,350,000,000 for discretionary grants for use in high-threat, high-density urban areas, as determined by the Secretary of Homeland Security: *Provided,* That $300,000,000 shall be for port security grants;".

Mr. SCHUMER. It is actually a reduction in the amount of money by $50 million.

I urge my colleagues to support this deeply significant but, in terms of dollars, modest amendment so we can cut down the odds of a nuclear weapon being smuggled into this country and, God forbid, creating a catastrophe.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it is always instructive to listen to the distinguished Senator from New York talk about programs and activities that are of major concern to his constituents, particularly in the New York City area, but New York State generally. We appreciate his observations and his expression of concern about technologies and advancements and new ways of protecting the citizens of his State and our country against nuclear threats or other threats to our security. We think the Department has made important progress in these areas, analyzing and understanding the technologies that are available.

We have included, for example, encouragement for additional investigations in this area. I am reading from page 84 of the committee report now. It says:

The Committee expects a significant expansion of the Countermeasures Test Bed being conducted with the Port Authority of New York and New Jersey in testing technologies to detect radiation/nuclear threats to include railway, general aviation facility monitoring, expanded roadways coverage, and an additional seaport.

The Committee is aware of technology proposals developed with national laboratories to facilitate the inspection of containerized cargo for fissile materials as a part of the normal off-loading process at the Nation's seaports.

The Department is focused on the importance that we all believe should be paid to this area of interest and concern. We know that existing technologies are being deployed by agencies at ports of entry, including the U.S. Coast Guard and the Bureau of Customs and Border Protection. They provide an effective nuclear countermeasure system, but continued focused development can considerably extend these capabilities in order to develop technologies for application to specific locations, including those in the intermodal transportation system, in the maritime domain, at border ports of entry, and in the aviation industry.

Specifically, the committee included in this section of the bill to which this amendment is directed great latitude in approving grants that can be the subject of applications from not only States but local jurisdictions such as port security areas.

Of the total provided by the committee for urban area security initiative grants, $150 million is for port security grants; $150 million is included for rail and transit security grants; $10 million is available for inner city bus security grants for the improvement of ticket identification, the installation of driver shields, the enhancement of emergency communications, and further implementation of passenger screening; $15 million is also included for trucking industry security grants to continue the Highway Watch Grant Program.

This committee had the responsibility of trying to help ensure that across the broad range of urban area security concerns funds were available for grants to local areas and to States to deal with these new challenges.

The committee believes the Department's practice over the past 2 years to allocate appropriated funds could be improved. We suggested, for example, that they all not be made available

early in the fiscal year but to leave some opportunities for later grantmaking authority so that if any new discoveries or intelligence of recent terrorist threat information became available, these funds could be targeted to higher risk areas and where we would get more for our money.

It is easy to offer an amendment to double an appropriation, and that is what this amendment does. We have $150 million in the bill for this one particular grant program within the broad urban area security initiative grants. What the Senator from New York is doing is asking that be doubled.

You can just about go through this bill, I suggest, and find every incremental amount that is in this bill and pick out one and offer an amendment to double it and make a good persuasive case why it would be better off if we could spend twice as much money as we have allocated for that one activity. That is a pretty easy argument to make. But it is also a cheap shot, and the reason I am calling it a cheap shot is that we have within this Urban Area Security Grant Program $1.2 billion for discretionary grants to high-threat urban areas. The Secretary has to make these decisions on the basis of the applications and the proposals that are submitted to the Department.

If we in the Congress are going to go back through the bill and try to second-guess every one of these accounts and double it and ask for a vote, you could easily double the whole cost of the bill. We have a $33.1 billion bill. It probably would be harder to get a vote to double that to $66 billion, but you could make some arguments why we could spend that amount of money. But could we spend it in a thoughtful way that would efficiently and responsibly use the taxpayers' dollars in this area of concern, homeland security?

We have had 2 years of experience in writing this bill. Last year, we ended up having to make points of order on the basis of the fact that some of the amendments were in excess of the allocation that was given to this subcommittee.

I understand the full committee has been meeting this afternoon during the last hour to review the amount of funding that would be available to each subcommittee of the Senate Appropriations Committee. And I understand soon, if it has not already been done, there will be filed with the Senate this allocation, and this subcommittee will have a limited amount of money to use in writing this bill.

I am not suggesting we have gotten the cart before the horse, but I am suggesting that before we vote on this amendment, I want to be sure I know what the allocation amount is for this subcommittee. It is not just targeted to the amendment of the distinguished Senator from New York that I do this, but any amendment that would come in and double an amount without any more justification than it would be good if we could spend twice as much as we are spending. And that is really the argument.

Sure, it would be good if we could spend twice as much as we are spending in a lot of areas, but we have to make the choices within a framework of funds available to the committee for a wide range of activities, all of which are very important. We have to choose among programs of the U.S. Coast Guard, programs of the Transportation Security Administration, of the Secret Service, of the Federal Emergency Management Agency, and many others whose accounts are funded in this annual appropriations bill.

I am hopeful we can withhold action on this particular amendment and let us have an opportunity to review the committee's work.

So awaiting the further advice of the chairman of the Appropriations Committee or his staff, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum be dispensed with so I might answer my friend from Mississippi.

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

Mr. SCHUMER. Mr. President, I make this point. We were here 2 years ago, and a year ago, and my good friend from Mississippi, with the same eloquence, made the same argument: The amount of money is the amount of money we have; yes, we could double it, but let's leave it up to the wisdom of the Department and the committee.

We did that, and in the last year, we have had no money spent on developing better nuclear detection devices. That is a cheap shot? In all due respect to my colleague from Mississippi, and I would say in all due respect this could happen in New York and it could happen in Houston, TX, and blow over to Mississippi—this could happen anywhere in the country, and I am sure just as I would want to protect the citizens of every other State, so would my colleague from Mississippi.

This is hardly an urban issue. Chernobyl did not occur in an urban—it may have been in an urban setting, but it ruined millions of acres of farmland, which I know my colleague cares a great deal about, as do I.

We are asking not for $33 billion, although maybe that would be spent. If I were the President, I would spend a lot of time figuring out what we needed and then spend it. I would not just ask for extra money. This is a small amount of money, $150 million, specifically directed to nuclear security, when in the past we have not done it. And my colleague argues we have enough money and leave it to the wisdom of the Department to do.

By my good friend's logic, we should not have a Congress. Let's have one broad allocation for homeland security and let them do what they want. And let's not even look, if they do not do something we all think is necessary, and come back and say let them do it again.

This is not a typical request. This is not something that just benefits one specific area or one specific company. This is dealing with one of the greatest dangers America faces, and spending a small amount of money after we have learned that Homeland Security will not do it themselves seems to me to be a reasonable request.

I greatly understand my colleague's nose-in-the-tent argument: If I am for this, well, I have to be for it for so many other things. But I ask him to look at the substance of this amendment and its cost, and I cannot think of an argument against it.

Yes, there is $1.2 billion for all kinds of threats. This is the greatest threat we face, perhaps, and there is no specific money that says we have to do this. In the past, when we have had these broad categories, again Homeland Security has done virtually nothing. Why, I don't know. I have asked them. They say: Yes, we are working on it, just as my good friend from Mississippi has said, but nothing happens.

So we wait another year and another year. I hope we do not have to wait until something terrible happens. That is not what anybody wants. To say that Congress should not be modifying what the administration has done says we should not have a Congress, and to say that this amendment is either frivolous or regional or unnecessary does not make any sense to me.

If my colleague could assure me that the Homeland Security Department would do this out of the existing allocation, I would say, sure, but we had that kind of assurance 2 years ago. My friend, the chairman of the Appropriations Committee, Senator STEVENS, said to me: You are right. Let us make sure we get this done.

Well, it has not been done. So I would simply say, I know the committee has labored under what the administration has sent them on the issue, for instance, of rail security. Where the Rail Association says we need $6 billion to thoroughly protect our rails, the administration asked for zero, and the committee comes up with $150 million. That is a lot better than zero but is not close to what we need.

I say to my friend from Mississippi, the bottom line is, my premise is we are not doing enough, we are not spending enough dollars, and we should have a significant increase.

When we came and found we needed $25 billion more for the war in Iraq, nobody said, well, we could double the number, let's not. Nor should they have. Well, it is the same thing when it comes to homeland security. The difference is, it is not a day-to-day issue. Nothing happens, nothing happens, nothing happens, nothing happens, thank God, and then something terrible happens and we say, why did we not do it?

I am trying to prevent that scenario. I am trying to prevent it for my city and my State and the Senators' cities and the Senators' States, and everybody.

So I ask that my colleagues look at this amendment. Do not be swayed by the logic, well, if we double this one we will have to double every one. Let us look at every one and see what we need. Certainly this one, which is $150 million more, aimed at a specific program that no one could object to, makes a great deal of sense. I hope it will pass. I urge my colleagues to vote for it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senator talks about we have sort of rubberstamped what the President has asked for in some of these areas. We have agreed with the President on some of his initiatives because we thought he was right, but when we thought the administration was wrong or where they have requested funds, as he pointed out, in the railroad area, for security programs there, this committee has recommended and the Congress has agreed to add funds over and above what has been requested by the President.

In this particular area, where the Senator is coming in now and doubling the amount of money we have in this one particular grant program—we have appropriated for this program almost $500 million, specifically for port security grants, since fiscal year 2002. We are addressing this issue. This is the point, and I am not apologizing for the decisions this committee has made and that have been ratified by both Houses of Congress and approved in the appropriations conference report. We have appropriated almost $500 million specifically for this program. We have asked for another $150 million this year. That is not enough, he says; double it.

We can talk about it on and on and on and go into all the other accounts that involve security in urban areas, high threat areas, but we have to realize there is a limit. Some Senators think we can come in and double the amounts in individual accounts and it will not matter, but if we keep on doing that before this bill is passed, we will have added no telling how much to the deficit. We would have put the administration in a position where they are going to have to either ask for deferrals or recisions of funds. If they cannot possibly get grants out to people who are qualified to use the money or can justify the use of the funds, we cannot pour the money on the ground, and I am not going to stand here and go along with suggestions that amount to spending more because it sounds as if we are going to be doing more. It does not necessarily follow.

I am hopeful we will have in place within the next few minutes some information about the total allocation of funding to this committee, because without that we can continue to add money for individual accounts in this bill for the rest of today and tonight and on into the weekend and then we will have to go back through and start striking funds that have been added so we will be consistent with the allocation to the subcommittee.

What I am asking the Senate to do, and the reason I put in the suggestion for a quorum when I first made the point of order, is to await the advice of the Committee on Appropriations. I am told they sent the information over electronic device, but we need it written on paper so Senators can read it and can understand what the limitations are. So I am hopeful we can await the advice of the full committee on the action that has been taken today. I would appreciate it very much.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Mr. President, I indicated earlier that the Senate Appropriations Committee met earlier this afternoon to approve the subcommittee funding allocations. The allocations approved are the same as those provided earlier by the full committee, for this subcommittee's information. For Homeland Security appropriations, the approved fiscal year 2005 discretionary spending allocation is $32 billion in budget authority and $29.873 billion in outlays. The bill reported by the committee is at the $32 billion discretionary budget authority allocation and $144 million below the outlay allocation. The allocations for this bill are $897 million in budget authority and $730 million in outlay above the President's request, showing the priority the committee has placed on Homeland Security accounts and its appropriations.

This is a fiscally responsible allocation and Members will be required to provide offsets for any additional spending proposed by amendments to be added to this bill, or the amendment will be subject to a 60-vote Budget Act point of order, I am advised. Therefore, I make a point of order against the Schumer amendment under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mr. SCHUMER. Mr. President, parliamentary inquiry: My friend from Mississippi said the outlays were still $144 million below what had been allocated by the committee. If I were to ask unanimous consent to make this amendment instead of $150 million, $144 million, within the outlays, would a point of order still lie?

Mr. COCHRAN. Mr. President, I think the Senator asked for a parliamentary inquiry. I don't have standing to rule on parliamentary inquiries. That is the responsibility of the Chair.

Mr. SCHUMER. I ask the Chair. Given the Budget Act, if this amendment were to be modified instead of $150 million of new money, given what we just heard, if the outlays were below $144 million, below the full committee allocation to the subcommittee, would a point of order still lie?

The PRESIDING OFFICER. The Chair is advised that depends on whether it would affect the change in outlays as well as budget authority. It is the understanding of the Chair that there is no room with regard to budget authority.

Mr. SCHUMER. Continuing my parliamentary inquiry, that would mean a point of order would lie even if we were within the outlays?

The PRESIDING OFFICER. That is correct.

Mr. SCHUMER. Just one further parliamentary inquiry: If we said zero budget authority but $144 million in outlays, would that be in order?

The PRESIDING OFFICER. The Chair would have to check with the Budget Committee on the specific numbers.

Mr. SCHUMER. Mr. President, I imagine it is not. So pursuant to section 904 of the Budget Act of 1974, I move to waive the applicable section of that act for purposes of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate vote on the motion to waive in relation to the pending Schumer amendment at 4:45 p.m. today, with the debate until that time equally divided in the usual form.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have. The question is on agreeing to the motion to waive the Budget Act.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The yeas and nays resulted—yeas 50, nays 46, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—50

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

NAYS—46

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

NOT VOTING—4

Akaka	Edwards
Clinton	Kerry

The PRESIDING OFFICER. On this vote, the ayes are 50, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 3581

Mr. LEAHY. Madam President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, and Mrs. FEINSTEIN, proposes an amendment numbered 3581.

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

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

The amendment is as follows:

(Purpose: To prohibit funds from being used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by certain employees of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security)

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

Mr. LEAHY. Madam President, I have offered this amendment on behalf of myself, Senator NELSON of Nebraska, Senator JEFFORDS, Senator LIEBERMAN, and Senator FEINSTEIN.

I rise today to offer an amendment that would end an ill-advised attempt by the Department of Homeland Security to privatize jobs that are vital to keeping Americans safe. This amendment would prohibit DHS from spending money to contract out immigration information officer, contact representative, or investigative assistant positions. I am pleased to have Senators BEN NELSON, LIEBERMAN, and JEFFORDS as cosponsors. The House voted for this exact amendment earlier this year by a vote of 242 to 163, with 49 Republicans supporting it. I trust that we will have a similar bipartisan majority in the Senate.

Immigration information officers, IIOs, are responsible for screening applications for immigration benefits for fraud and for performing criminal background checks on applicants. There are more than 1,200 IIOs and contact representatives around the Nation working for the Citizenship and Immigration Services, CIS, branch of DHS. The work they do in attempting to discover and prevent immigration fraud—and prevent dangerous people from abusing the immigration system—is clearly ''inherently governmental,'' making them an inappropriate target of a privatization effort.

As our Nation continues to face the threat of terrorism, CIS carriers a heavy burden in its attempt to process immigration and naturalization applications while ensuring that terrorists—along with other fraudulent actors—do not abuse our immigration system. Information officers have played a vital role in meeting this burden. Indeed, the agency's own job description requires that IIOs have the ''[s]kill to identify fraudulent documents in order to prevent persons from appealing for benefits for which they are not eligible,'' a skill that is obviously all the more important in this era. They are also required by DHS to have ''[k]nowledge and skill in interviewing techniques and observation of applicants in order to determine if an applicant is misrepresenting the facts in order to appear eligible for a benefit.'' I am offering this amendment because I believe that weeding out potential fraud in our immigration system must remain a responsibility of Government employees, especially when the perpetrator of the fraud may be a dangerous criminal or terrorist.

In addition to their security-related work, these IIOs perform duties that are directly related to achieving President Bush's goal, stated during his 2000 campaign and since, of providing more efficient services to lawful immigrants. IIOs increase efficiency by, as their job description states, exploring ''all avenues of assistance available to the customer; determin[ing] the benefit most advantageous if more than one exists, and try[ing] to motivate the customer to file the appropriate application(s).'' IIOs also have extensive knowledge and use discretion in their positions—they are required to have ''knowledge of the exclusion and deportation regulations'' and ''knowledge and familiarity with the immigration and nationality laws.'' As CIS continues its efforts to reduce the backlog faced by immigration applicants to 6 months, the last thing we should be doing is replacing knowledgeable immigration professionals with inexperienced contract workers.

Should a private contractor win the work currently performed by IIOs, that contractor will be responsible for adjudicating immigration benefits and detecting fraud and criminal activity, requiring the contractor to make decisions that are both sensitive to national security and have a huge impact on the lives of millions of immigrants. This would be a bad idea in any era, but it is particularly inappropriate now.

I have a personal interest in this issue because about 100 fine Vermonters currently work as IIOs. I know the fine work they do, and I know that my staff and, indeed, all of our staffs rely on them and their counterparts throughout the country when we are seeking to help our constituents. I know that our Nation will be better off if these fine men and women remain in their current positions.

Thirty-five members of this body are already on record in opposition to contracting out the IIO positions. We wrote to Secretary Ridge a year ago, seeking the cancellation of the A–76 process. I have since joined with Senators LIEBERMAN, BYRD, and KENNEDY in obtaining documentation from DHS about its decision to launch the A–76 process to hire private contractors to perform the work currently done by IIOs. The documents the Department has provided have proven illuminating. They have shown that officials within CIS did not think there should be private sector competition for these jobs, and believed that the IIOs were performing inherently governmental work. These officials took their concerns to the leadership at DHS, but their views were overruled, and the competition proceeded.

Grant Thornton and PEC Solutions, outside consultants hired by DHS, drafted memoranda and presentations to demonstrate that going forward with the job competition was unwise. These views, too, were ignored.

The decision to contract out these positions is all the more disturbing because it has the hallmarks of a decision made simply to meet a quota. The Bush administration set a goal of privatizing 15 percent of Government jobs shortly after it took office. When the original decision to submit the IIO positions to competition was made, they were still INS and Department of Justice employees. According to a senior official at CIS, that original decision was made when the Office of Management and Budget informed DOJ that it had only hours to submit 1,200 positions that could be privatized. Only James Ziglar, then the INS Commissioner, even knew that the IIO positions would be submitted to OMB.

After the INS was transferred to DHS, the new Department had to decide whether to continue with the competition. DHS announced its decision to subject the jobs to competition in August 2003, and DHS documents suggest that the 15-percent goal remained a major factor in the decision, with the leader of the DHS privatization office referring to the need to meet OMB's 15-percent goal as recently as October 2003. This was true even though Congress prohibited agencies in February 2003—10 months earlier—from applying or enforcing any numerical goals or targets for subjecting employees to public-private competition, and even though the administration grudgingly announced it would abide by the law forbidding this quota in July 2003.

This amendment would also protect the jobs of investigative assistants. These CIS employees work in the Fraud Detection Unit, searching a variety of private, governmental, and criminal databases to find information about applicants for immigration benefits. These positions were created in the aftermath of the September 11, 2001, attacks, to ensure that only qualified personnel would have access to highly sensitive databases. Despite the nature of the position and the circumstances under which it was created, DHS has demonstrated interest in privatizing these positions as well. This amendment would put a stop to that misguided effort as well.

In conclusion, this amendment would protect Federal employees who are trying to weed out fraud in the immigration system and assist lawful immigrants seeking benefits to which they are entitled. It had overwhelming bipartisan support in the House, passing with nearly 50 Republican votes. I urge my colleagues to support this amendment.

Madam President, I will summarize what this is about for my colleagues. There is an attempt to privatize a number of jobs in the Department of Homeland Security. These jobs are vital to our American security. I do not believe they should be privatized. A majority of the other body feels the same way.

My amendment would prohibit DHS, the Department of Homeland Security, spending money to contract out immigration information officer, contact representative, or investigative assistant positions. That is why I am glad Senators NELSON of Nebraska, LIEBERMAN, JEFFORDS, and FEINSTEIN have cosponsored this amendment.

This is not a partisan issue. The House voted for this exact amendment. They just copied the wording of it. They voted overwhelming for it, 242 to 163, with 49 Republicans supporting it. I hope we will have similar bipartisan support in the Senate.

Let me explain immigration information officers. We call them IIOs. They are the people who screen applications for immigration benefits for fraud. They perform criminal background checks on applicants. There are more than 1,200 of these IIOs and contact representatives around the Nation. They work for the Citizenship and Immigration Service, a branch of DHS.

The work they do in attempting to discover and prevent immigration fraud and prevent very dangerous people from abusing the immigration system is clearly inherently governmental.

This is not a custodial service. This is not a landscape service. These are things preventing immigration fraud. It is clearly inherently governmental. So it should not be part of a privatization effort.

As we all know, our Nation continues to face the threat of terrorism. CIS carries a heavy burden to attempt to process immigration and naturalization applications, but they have to ensure that terrorists, along with a lot of fraudulent actors, do not abuse our immigration system. They play a vital role in meeting this burden. In fact, the agency's own job description requires that ''they have the skill to identify fraudulent documents in order to prevent persons from appealing for benefits for which they are not eligible.'' That is a skill obviously all the more important in this era.

They are also required by DHS to have knowledge and skilled interviewing techniques in observation of applications. What they have to do comes from years of experience. They have to be able to find those people who are seeking a benefit who are not eligible.

I have spent a lot of time on immigration matters and I believe that weeding out potential fraud in our immigration system is a major responsibility of our Government. It is a major responsibility of our Government employees. We do not turn it over to somebody else, especially when the perpetrator of that fraud could be a very dangerous criminal or a terrorist. I do not want to have it turned over to Fraud Catchers USA. I want it within our Government so we know what standards are being followed.

They also perform duties that are directly related to achieving President Bush's goal of providing more efficient services to lawful immigrants. They increase efficiency, explore all avenues of assistance available to the customer to determine the benefit most advantageous when more than one exists, again based on vast experience.

The administration wants to reduce the backlog faced by immigration applicants to 6 months. Well, suddenly putting in a whole new service to do it makes little sense. If a private contractor does it, that contractor is going to be responsible for adjudicating immigration benefits and detecting fraud and criminal activity that will require the contractor to make decisions that are sensitive to our national security. It is also going to have a huge impact on the lives of millions of immigrants. I think this would be a bad idea in any era, but with the terror threat we face now, I think it is a very bad one.

The amendment would also protect the jobs of investigative assistants who work in the fraud detection unit. These positions were created in the aftermath of September 11 attacks. Despite the nature of the position, despite the circumstances under which it was created, DHS has demonstrated interest in privatizing these positions as well. I think that is a mistake.

As I said, this passed overwhelmingly in the other body, Republicans and Democrats alike supporting it. I hope we would do the same.

I see the distinguished Senator from Nebraska on his feet, and I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I have cosponsored, as my distinguished colleague from Vermont has indicated, an amendment to the Homeland Security appropriations bill, and I ask unanimous consent that Senator HARRY REID of Nevada be added as a cosponsor.

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

Mr. NELSON of Nebraska. I believe this is a matter of great importance to the security of our country. The amendment would eliminate funding for an A–76 competitive outsourcing study of immigration information officer, contact representative, and investigative assistant positions within the Bureau of Citizenship and Immigration Services, or the BCIS, at the Department of Homeland Security.

As a general principle, I do not oppose privatization of Government jobs where doing so clearly is in the best interest of the most efficient use of taxpayers' dollars and is in the best interest of not only our Government but of the taxpayers. I do believe, though, that there are some types of jobs that can and should be performed by Government, as well as some jobs and services that can be performed by private contractors. I believe that deciding which jobs are appropriate for privatization should be a very careful and deliberative process. It should not be done to meet arbitrary quotas. In the

case of these particular BCIS jobs, I believe DHS has made a mistake in subjecting them to an A–76 study.

In this instance in particular, I do not believe privatizing these particular jobs is appropriate or will best serve the interests of our country. I believe these jobs are intricately tied to the national security of our country and therefore are inherently governmental. These jobs require a high level of discretion and of very specific knowledge of immigration laws to determine who is eligible for immigration benefits. These workers are charged with weeding out fraud in the immigration system and identifying those with criminal histories or those who could be potential terrorists. These are the types of jobs that are inherently governmental in that they are vital to protecting our country from security threats.

The DHS's own job descriptions for these positions illustrate why these positions are inherently governmental. For example, immigration information officers are required to have the ''skill to identify fraudulent documents in order to prevent persons from appealing for benefits for which they are not eligible.'' They are also required to have ''knowledge and skill in interviewing techniques and observation of applicants in order to determine if an applicant is misrepresenting the facts in order to appear eligible for a benefit.''

In addition, according to the DHS's own job descriptions, workers in these positions are exposed to highly confidential information and may at times be exposed to national security information. They must exercise their discretion by observing and questioning individuals for the purpose of determining if those individuals are attempting to submit applications under fraudulent situations and reasons. This can lead to the arrest or detention and subsequent deportation of those aliens and may lead to the prosecution of cases.

In Nebraska alone, there are 100 workers within the BCIS performing these functions, and I have heard from them directly about why they believe their duties are inherently governmental. Quite frankly, I agree with them. I believe it would be unwise, especially in our country's current heightened state of alert to terrorist threats, to outsource jobs that are so closely linked to the security and safety of our country. Weeding out potential fraud in our immigration system must indeed remain a responsibility of Government employees, especially when the perpetrator of the fraud may be a dangerous criminal or a terrorist.

Therefore, I urge my colleagues to support Senator LEAHY's and my amendment and prevent these jobs from being privatized.

I thank the Senator from Vermont.

AMENDMENT NO. 3582 TO AMENDMENT NO. 3581

Mr. THOMAS. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS] proposes an amendment numbered 3582 to amendment No. 3581.

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

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

The amendment is as follows:

(Purpose: To require the Secretary of Homeland Security to submit to Congress, at least 60 days prior to award, a report on the results of an Office of Management and Budget Circular A–76 competition, to include estimated savings, performance improvements, and the impact on jobs and Federal Government employees)

Strike all after the word ''Sec.'' and insert the following:

SEC. ____. None of the funds appropriated by this Act may be used to make an award, pursuant to a competition under Office of Management and Budget Circular A–76, to a source for the performance of services that were provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants unless—

(1) the Secretary of Homeland Security submits to Congress, not later than 60 days before making such award, a report that describes—

(A) the performance requirements for the services;

(B) the estimated savings to be derived from the performance of such services by that source;

(C) the actions that are to be taken to effectuate the transition to performance either by Federal Government employees under the applicable most efficient organization plan or by a contractor, as the case may be; and

(D) the strategy for mitigating the adverse effects of such award, if any, on Federal Government employees; and

(2) the making of the award to that source will not result in the closure of an immigration information service center that was in operation on June 1, 2004.

Mr. THOMAS. Madam President, I offer this as a second degree to the pending amendment of the Senator from Vermont. The amendment specifically restricts the Department's ability to conduct competitions under President Bush's competitive sourcing initiative, which is an integral part of his management agenda. As a strong supporter of the competitive sourcing process and consistent advocate for a smaller and more efficient government, I offer this second degree to ensure that any attempts to restrict the Department of Homeland Security in implementing its competitive sourcing efforts are limited.

The positions in question, immigration information officers, have been identified by the Department as noninherently governmental functions. They have been identified by the Department in that category. They are commercial activities and can be performed in the private sector without endangering our homeland security efforts.

The Department of Homeland Security is simply complying with the FAIR Act by subjecting these positions to public/private competition in order to determine if they could best be performed by the private sector or remain in house. This competition was initiated by the Department of Justice prior to the transfer to DHS. It is critical to significantly improving first line services associated with processing immigration applications and benefits. DHS is in the process of completing its competition in these very positions, and the amendment of the Senator would prohibit DHS from completing this competition. Numerous studies have confirmed that competitions create opportunities for innovative, improved data management, economic, and performance improvements. They are confident that competition has already provided a powerful incentive for both the public and the private sector sources to identify new and better ways of meeting the requirements.

This information has to do with these positions. The IIOs are GS–5s, 7s, and 8s, with supervisors at the GS–9 level, who perform only first line procedural processing for a range of immigrant applications/benefits. They are not performing inherently governmental work, are not policymakers or regulators, do not bind the Government to a course of action. Adjudicators, who have authority to investigate, correct, overrule and make final decisions regarding immigration status, are a separate function within the Citizenship and Immigration Service, but are not covered by this proposed, or any other, DHS competition.

The DHS has opened its commercial activity currently performed by Government employees to competition from the private sector in order to improve services, improve the opportunity for innovation, improve levels of security, and create the possibility of cost savings. The Government and private sector will compete for the work based on quality and cost.

The agency has written that on a governmentwide basis, competitions completed in fiscal year 2003 are estimated to generate savings and cost avoidances of over $1 billion over the next 3 to 5 years. The House version of the bill contains a provision that would block DHS from using competition to choose the best public or private sector sources to handle tasks associated with the processing of immigration applications. We understand an amendment may be offered on the Senate floor that would preclude public-private competition and turn back DHS efforts to significantly improve customer service for immigrants. If the final version of the bill were to contain such a prohibition, the President's senior advisor would recommend he veto the bill.

We have been through this a number of times. It always is presented as if these are replacing Government jobs

with private sector jobs which, first of all, I don't think is a bad idea but nevertheless that is not the case. This is competition. This is an opportunity for both those in the Government service and in the private sector to have an opportunity to deal with these administrative first level jobs—these are people who do not make the decisions, they simply go through the details of this—and to allow this agency to continue to seek to make their work more effective and more efficient. Somehow, every time this comes up we have this opposition to this program that has been in place, is in place, and the fact is it has already been proven to save considerable amount of money. It is already proven in most cases, as a matter of fact, because of the improvement on the part of the Federal employees; they remain there through the competition.

It just seems to me it is a mistake for us to get into this program and say you can't do that anymore. Clearly these people are not the people who are decisionmakers. They are the folks who are doing the administrative work that brings it to the decisionmakers.

Additionally, my amendment would not result in the closure of any immigration service centers or district offices currently in operation, which appears to be the concern of some of the sponsors.

I hope we can take a long look at this and that we can try to allow this program of efficiency, of cost saving, to be continued by this department. Let them make the decision as to who can best do this task.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I have great respect for the Senator from Wyoming. He is a friend. I understand what he is saying. Unfortunately, the reason why this position was not taken in the other body is what he has asked for is something they could do anyway, simply ask for a reporting requirement. What they have done, in asking for that, they simply put it over for another 60 days and then do exactly what they want. I don't think anybody questions the reporting that would come back from the very department that wants to do this would be to say: Do what you want to do. They accept the report, they accept the way it will be done. Rather than needing 60 days, they could probably do it in 6 minutes.

What I am concerned about is the reason why there is such a bipartisan support for this in the other body—not for the gutting amendment of the Senator from Wyoming but for our amendment—was this makes sure that these very critical services are in the hands of Government agencies.

There are jobs that can be privatized but I think sometimes we privatize what we should not. We sometimes privatize law enforcement and we have seen some of the problems we have had in our prisons when we have done that. Otherwise we privatize investigations and we find that people have their records and their reputations ruined by private companies that do not meet the standards they are supposed to follow and afterwards they say, Sorry, we made a mistake.

Frankly, if you vote for the second-degree amendment you are voting to outsource positions that are critical to our security. We have had 35 Senators who have already written to Secretary Ridge, asking him not to do this. Basically the second-degree amendment simply says tell us why you think you should do it and just go ahead and do it anyway.

I hope we would not vote for it.

Mr. JEFFORDS. Mr. President, I strongly support the amendment offered by Senator LEAHY, myself, and other colleagues that would prohibit opening up the Immigration Information Officers, IIO, position for commercial competition.

This position was opened for commercial competition after a determination that the IIO position was not performing an ''inherently governmental activity,'' and thus capable of being filled through commercial competition. This decision was fundamentally flawed and will, if implemented, be an impediment to national security.

While a very basic description of the functions performed by an IIO might include telephonic and written responses to questions from the public, a closer look at the duties actually performed by IIOs results in a more varied list of duties. My staff and I have had the pleasure of being helped by IIOs on numerous occasions over the years in our attempts to assist my constituents. It is my experience, that IIOs not only provide basic immigration information to the public, but they also have the ability to advise petitioners on the type of petition to file; they have the authority to correct mistakes made in Citizenship and Immigration Services, CIS, records and computer systems; they can reject petitions for various reasons; and it is my understanding that many IIOs adjudicate petitions.

As anyone who is familiar with United States immigration law knows, interpreting regulations and offering advice is a complicated business. When dealing with immigration law, the potential is great for making a mistake that could severely impact a business or a family for a lifetime. Thus, it is inconceivable to me that CIS would consider opening this position to commercial competition.

In the interest of security, following the 2001 terrorist attacks, the Federal Government decided that airport passenger screeners should be Federal employees. Consistent with that decision, I believe that maintaining the IIO position as a Federal employee position strengthens our protection against future terrorist attacks.

In reality, IIOs have the ability to determine who can or cannot remain in this country. When dealing with the public, they draw from a wealth of institutional knowledge that benefits not only the petitioner, but also the entire Nation. IIOs also have access to agency records and can, in fact, modify such information when appropriate.

For many years, the Immigration and Naturalization Service, INS, struggled to live up to the word ''service'' in its name. It is my hope that at the beginning of this new era, with the creation of the Department of Homeland Security, including the CIS, we will not weaken our ability to provide persons seeking immigration benefits with the service they deserve. Having the important duties of Immigration Information Officers performed by individuals selected through commercial competition will only hinder the service provided, not improve it.

A similar amendment passed in the House of Representatives during its consideration of the Department of Homeland Security Appropriations bill this year, and I am hopeful that my Senate colleagues will join us in supporting this important amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, it occurs to me that this is an issue that probably ought not be on this bill. As a matter of general principle, it is a legislative decision. It seems to me the committee of jurisdiction would probably be the committee chaired by the distinguished Presiding Officer.

Having said that, that doesn't make this amendment go away by itself. We have to dispose of it. We have to deal with it. Frankly, I am confused about how the amendment got added to the House Appropriations Committee bill. I am told it was an amendment offered on the floor and it was adopted by the House. This seems to me an amendment that ought to be at least discussed in conference. If we adopt the Leahy amendment without changing it at all, then we are stuck with the language, it seems to me. I don't know how you get away from having this provision in the final version of the bill, and this appropriations process would have been subverted and it would have been distorted.

This is not an appropriations amendment. We are not talking about an amount of money to be appropriated for any particular purpose. Immigration services are provided, of course, by the Department of Homeland Security and apparently the Department feels it ought to have flexibility in the administration of that program. We are singling out an employment circular to prohibit its effectiveness on an appropriations bill. I think it is fairly convoluted.

I don't like the process. The Senator from Wyoming comes in and offers a modification, which basically requires the Department to provide information on its intentions.

It must submit to Congress not later than 60 days before making an award.

This is an award for providing services under the auspices of the Bureau of U.S. Citizenship and Immigration Services. Before it makes an award to someone to provide these services, it has to go through certain steps and make this disclosure to the Congress.

It seems to me that this is an appropriate place to at least call time out and let us put this issue on hold and give the Appropriations Committee an opportunity to consider it in conference. We would have to resolve the differences between this amendment and this provision in the Senate and the one adopted by the House.

I fully support the amendment offered by the Senator from Wyoming.

Let me add one other note. The administration submits to the committee after we write a bill in the Appropriations Committee a Statement of Administration Policy. Looking at their Statement of Administration Policy on the bill as reported by our Appropriations Committee, you get down to the bottom of page 2 where it talks about competitive sourcing, it states:

> The administration has adopted a reasonable and responsible approach for ensuring the fair and effective application of public-private competition. On a government-wide basis, competitions completed in fiscal year 2003 are estimated to generate savings, or cost avoidances, of more than $1 billion over the next 3 to 5 years. The House version of the bill contains a provision that would block DHS from using competition to choose the best public or private sector source to handle basic administrative tasks associated with the processing of immigration applications and benefits. We understand an amendment may be offered on the Senate floor that would also preclude public-private competition and turn back DHS' efforts to significantly improve customer service for immigrants. If the final version of the bill were to contain such a prohibition, the President's senior advisers would recommend that he veto the bill.

So I can't stand idly by and see this provision be included in the bill and risk the veto of this Homeland Security appropriations bill that we have worked very hard to craft, after hearings and hearings, and with the good assistance of other Senators on the subcommittee such as the distinguished Senator from Vermont. I would hate to see all of our work go for naught and have to start over with a vetoed bill.

I am urging Senators to vote for the Thomas amendment and let us take this issue to conference and see if it can be resolved in a way that gets the bill signed and takes care of the concerns expressed by the distinguished Senator, my very good friend from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I have served for over a quarter of a century on the Appropriations Committee with the distinguished senior Senator from Mississippi. I hope this doesn't hurt him back home when I can state unequivocally that nobody works harder than he does. Nobody is more conscientious in going through legislation. I know he has worked very hard on the appropriations bill before us. As he knows, I have supported him in the subcommittee on a great deal of measures in this bill. We have similar views.

On the question of vetoes, I can remember the last time a piece of legislation I was working on with the White House, saying they would veto legislation if we put in the TRICARE provisions to provide health care for our National Guard and Reserve members and their families, even at a time when an extraordinary, unprecedented number of National Guard and Reserve members were being called up for the war in Iraq and were being required to serve way beyond the time anyone ever anticipated. Nobody could understand why the White House would do that which basically undercuts the brave men and women who are going over there. Fortunately, Republicans and Democrats came together in this body and the other body and passed the legislation with very strong bipartisan support and somehow the veto threat disappeared.

I suspect the same thing. This bill is not going to be vetoed on this issue. I understand the threats. I have been here for 30 years, and I have seen Democratic Presidents and Republican Presidents and administrations. It never comes through the Presidents. It says their senior advisers would recommend a veto threat. I have seen hundreds of these in my 30 years I have been in the Senate. I have probably seen about a dozen vetoes come out of the hundreds and hundreds of threats, even though they have been ignored.

The distinguished chairman of the subcommittee has a responsibility to bring that forward. But he knows, as I do, that we hear veto threats almost as though they were being printed and cranked out when any bill comes along.

I think it never would have passed a body as tightly controlled by the Republicans as the House of Representatives, it would never have passed with the overwhelming support had they really thought there would be a veto.

I ask unanimous consent that the distinguished Senator from Wisconsin, Mr. FEINGOLD, be added as a cosponsor to my amendment to the underlying amendment.

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

Mr. LEAHY. Madam President, I would say only this: If the Thomas amendment is adopted, it effectively kills the Leahy amendment and allows the outsourcing to go forward on what is a critical governmental responsibility.

As I have said before, I would be happy to see a private enterprise stake. As we know, this administration has dramatically increased the number of Government employees. They went down substantially during the 8 years of President Clinton's administration, and they have increased more than any time in a dozen years by this administration. Maybe they could look for areas of outsourcing but not outsourcing in those areas that are critical to our lives and our national security and fight against terrorism.

I am perfectly willing to go to a vote on the Thomas amendment, but I would remind everybody that it kills the Leahy-Nelson et al amendment and allows at a time of heightened terrorist threat the Department of Homeland Security, which dramatically increased the number of employees, to take some very key governmental employees and turn them over to the private sector and say the private sector can handle our security from terrorists who might try to come in under the immigration rubric better than our own Government could do.

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

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

Mr. THOMAS. Madam President, are we going to vote? Fine. I would like to be able to make a closing statement pretty much as my friend from Vermont did.

I want you to remember that this is an effort that is being made throughout the Government to try to find a way to be more efficient. It is not outsourcing; it is competition; and whoever does the best job ends up doing this activity.

I further remind you that these are not people who make decisions with regard to terrorism. These are the people who do the detail work and report to folks who make the decisions.

I also remind you that this Department is in the process of doing this now, is willing to come to the Senate as we proceed and report where they are. This is part of the program that has been ongoing. It has been proven to work. We ought to continue to do it here.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, we have a situation where an amendment has been offered. Eventually, there will be a vote on the amendment offered by Senator LEAHY and Senator NELSON. It may not be tonight. Before this bill is finished, they have a right to have their amendment heard, which it has been, and voted on.

Everyone should understand this amendment will not go away. People will vote on outsourcing. That is the way it is. So everyone understands, there will be another opportunity for Senators NELSON and LEAHY to offer the amendment. If the majority wants to second-degree the amendment and filibuster their own bill, we would have to do it some other time.

We, in good faith offered, an amendment. Time was very limited. These two men spoke very short periods of time. There are many others who wanted to speak, but in the context of what the two leaders said, we should try to move this bill along. We tried to do that. At least we should have an opportunity to vote on these amendments.

It appears the majority is attempting to not allow us an opportunity to vote on this amendment. And it will happen, sooner or later.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, so there is no illusion about who is responsible for suggesting we have a vote on the Thomas amendment, it is me. It is not the majority leader. As the manager of this bill, I think we ought to follow the regular order. The Senator from Vermont laid down an amendment. The Senator from Wyoming offered an amendment to the amendment. It is in order.

We have had a debate on it. He is entitled to a vote on his amendment. We ought to have it. If his amendment prevails, then we vote on the amendment as amended. Nobody is going to filibuster the bill on this side. I am not going to. I am not going to filibuster my own bill because of this amendment. I want people to understand it is not this big an issue. It is not going to bring down the Senate and block consideration of this bill as far as I am concerned.

Mr. LEAHY. I wonder if I might ask the senior distinguished Senator from Mississippi a question. He has said this matter has to go to conference. He is absolutely right. He will hold the majority votes in the conference. Why not this: Why not set both the Thomas amendment as a freestanding amendment, the Nelson-Leahy, et al, amendment, as a freestanding amendment, take them both to conference?

Mr. COCHRAN. I will give a quick answer. I am not going to, by unanimous consent, deprive any Senator of a right to offer an amendment. That is what I would be doing if I would, by agreement, say that you can offer an amendment and have a vote on it without any other Senator having an opportunity to modify it.

That is not in the rules of the Senate. It is inconsistent with the traditions of the institution to do that.

Mr. LEAHY. The reason I suggest it is because the Senator from Wyoming is in the Senate, and it is his amendment. That way he could be part of it.

The Senator from Mississippi is absolutely right. We go forward with a vote—I was suggesting a way to save having to put the other amendment up at another time. It still becomes a matter of conference. If the distinguished Senator from Mississippi wishes to go forward with the vote on the Thomas, that is fine with me.

I would state, as I have before, that is a defeat of the underlying Nelson-Leahy, et al, amendment which will come up in another form at a later time. I am perfectly willing to go ahead and vote now.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the second-degree amendment offered by the Senator from Wyoming.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—49

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

NAYS—47

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

NOT VOTING—4

Akaka	Edwards
Clinton	Kerry

The amendment (No. 3582) was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 3584 TO AMENDMENT NO. 3581, AS AMENDED

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of myself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, and Mrs. FEINSTEIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, and Mrs. FEINSTEIN, proposes an amendment numbered 3584.

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

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

The amendment is as follows:

(Purpose: To prohibit funds from being used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by certain employees of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security)

At the end of the amendment add the following:

SEC. ____. Notwithstanding any other provisions of this Act none of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants. This section shall take effect one day after the date of the bill's enactment.

Mr. LEAHY. Mr. President, if I could have the attention of the managers, we have had the basic debate on this amendment. I ask that we have 2 minutes on each side and then go to a vote, if that is agreeable. I will make that request.

I ask unanimous consent that we have 4 minutes equally divided and that it then be in order to request the yeas and nays and go to a vote.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I do not know what the amendment is. It was sent to the desk. It would be nice to know what it is so we would know whether we should agree to the unanimous consent request to limit 2 minutes to a side.

Mr. LEAHY. I apologize. I thought the distinguished Senator from Mississippi had been advised of this amendment. It is basically my underlying amendment as freestanding.

Mr. COCHRAN. Mr. President, parliamentary inquiry. If this is an amendment that has already been before the Senate and to which an amendment has been added, is it in order for the Senator to put before the Senate the same amendment as an amendment?

The PRESIDING OFFICER. It is in order because the amendment is now in a different posture as a second-degree amendment.

Mr. COCHRAN. Mr. President, I have no objection to the request for the time agreement.

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

The Senator from Vermont.

Mr. LEAHY. Mr. President, as I said before, the amendment I have offered is the same amendment that passed overwhelmingly in the House of Representatives, with strong Republican support.

It says on these very critical—very critical—steps based in the former INS in which they try to weed out possible terrorists on immigration applications that this not be contracted out to a private company but be done by professionals. That is really the bottom line. We can talk about it for hours. We have had the debate before.

I withhold the remainder of my time, and I will ask for the yeas and nays once time is yielded back.

The PRESIDING OFFICER. Time is not yielded back.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming is recognized.

Mr. THOMAS. We just voted on this same issue. We have voted on it a dozen times. What we have here is an effort by this Government to try to be more efficient, more cost saving, by having competition. That is what is involved.

Let me say that these immigration information officers are GS–5s, 7s, and 8s, with supervisors at the GS–9 level, who perform only first-line procedural processing. They are not performing any ''inherently governmental'' work. They are not policymakers or regulators. They do not bind the Government to a course of action. This is already underway in this administration. They have looked at doing this. Who knows who is going to do it more efficiently? We are saying to the Government that you cannot do that. You have to leave things the way they are, and we don't want to have any opportunity to do things better than we have been doing them. That is what it is all about. I urge a ''no'' vote.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. I strongly urge Senators to vote against the Leahy amendment.

Mr. LEAHY. Mr. President, do I have time remaining?

The PRESIDING OFFICER. The Senator has 56 seconds.

Mr. LEAHY. Mr. President, we are talking about people who attempt to discover and prevent immigration fraud, prevent dangerous people from abusing the immigration system. This is inherently governmental. We have kept inherently governmental things like law enforcement within the Government. We should do it here with these 1,200 immigration information officers who contact representatives around the Nation. We have an inherent body of expertise that we need in this fight against terrorism.

I yield back my remaining time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

All time is yielded back.

The question is on agreeing to the amendment of the Senator from Vermont.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—49

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

NAYS—47

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

NOT VOTING—4

Akaka	Edwards
Clinton	Kerry

The amendment (No. 3584) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3581, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3581, as amended.

The amendment (No. 3581), as amended, was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote and I move to lay that on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3586 THROUGH 3588, EN BLOC

Mr. COCHRAN. Mr. President, I send to the desk three amendments that are making technical changes to the bill. They have been cleared on both sides of the aisle. I ask they be considered and agreed to en bloc.

I ask my statement on each of these amendments be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments by number.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN) proposes amendments en bloc numbered 3586 through 3588.

The amendments (Nos. 3586 through 3588), en bloc, are as follows:

AMENDMENT NO. 3586

(Purpose: To make technical corrections to provisions of the bill related to verification of air carrier calendar year 2000 security cost)

On page 11, strike ''Provided further'' on line 13 down through and including ''proviso'' on line 23, and insert the following:

''*Provided further*, That the Government Accountability Office shall review, using a methodology deemed appropriate by the Comptroller General, the calendar year 2000 cost information for screening passengers and property pursuant to section 44940(a)(2) of Title 49, United States Code, of air carriers and foreign air carriers engaged in air transportation and intrastate air transportation and report the information within six months of enactment of the Act but no earlier than March 31, 2005, to the Committees on Appropriations of the Senate and House of Representatives and Committee on Commerce, Science, and Transportation: *Provided further*, That the Comptroller General, or any of the Comptroller General's duly authorized representatives, shall have access, for the purpose of reviewing such cost information, to the personnel and to the books; accounts; documents; papers; records (including electronic records); and automated data and files of such air carriers, airport authorities, and their contractors; that the Comptroller General deems relevant for purposes of reviewing the information sought pursuant to the provisions of the preceding proviso: *Provided further*, That the Comptroller General may obtain and duplicate any such records, documents, working papers, automated data and files, or other information relevant to such reviews without cost to the Comptroller General and the Comptroller General's right of access to such information shall be enforceable pursuant to section 716(c) of Title 31 of the United States Code: *Provided further*, That the Comptroller General shall maintain the same level of confidentiality for information made available under the preceding provisos as that required under section 716(e) of Title 31 of the United States Code: *Provided further*, That upon the request of the Comptroller General, the Secretary of the Department of Homeland Security shall transfer to the Government Accountability Office from appropriations available for administration expenses of the Transportations Security Administration, the amount requested by the Comptroller General, not to exceed $5,000,000, to cover the full costs of any review and report of the calendar year 2000 cost information conducted by the Comptroller General, with 15 days advance notice by the Transportation Security Administration to the Committees on Appropriations of the Senate and House of Representatives: *Provided further*, That the Comptroller General shall credit funds transferred under the authority of the preceding proviso to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the review and report: *Provided further*, That any funds transferred and credited under the authority of the preceding provisos that are not needed for the Comptroller General's performance of such review and report shall be returned to the Department of Homeland Security and credited to the appropriation from which transferred.''.

On page 11, line 25, strike ''audit'' and insert ''review''.

AMENDMENT NO. 3587

On page 7, line 3, strike ''General Accounting'' and insert ''Government Accountability''.

AMENDMENT NO. 3588

(Purpose: To make modifications to the Government Accountability Office study of the Transportation Security Administration's Computer Assisted Passenger Prescreening System/Secure flight program)

On page 37, line 6, strike all after ''(a)'' down through and including ''2005.'' on page 39, line 5 and insert the following:

''None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Computer Assisted Passenger Prescreening System (CAPPS II) or Secure Flight or other follow on/successor programs, that the Transportation Security administration (TSA) plans to utilize to screen aviation passengers, until the Government Accountability Office has reported to the Committees on Appropriations of the Senate and the House of Representatives that—

(1) a system of due process exists whereby aviation passengers determined to pose a threat and either delayed or prohibited from boarding their scheduled flights by the TSA may appeal such decision and correct erroneous information contained in CAPPS II or Secure Flight or other follow on/successor programs;

(2) the underlying error rate of the government and private data bases that will be used both to establish identity and assign a risk level to a passenger will not produce a large number of false positives that will result in a significant number of passengers being treated mistakenly or security resources being diverted;

(3) the TSA has stress-tested and demonstrated the efficacy and accuracy of all search tools in CAPPS II or Secure flight or other follow on/successor programs and has demonstrated that CAPPS II or Secure flight or other follow on/successor programs can make an accurate predictive assessment of those passengers who may constitute a threat to aviation;

(4) the Secretary of Homeland Security has established an internal oversight board to monitor the manner in which CAPPS II or Secure flight or other follow on/successor programs are being developed and prepared;

(5) The TSA has built in sufficient operational safeguards to reduce the opportunities for abuse;

(6) substantial security measures are in place to protect CAPPS II or Secure Flight or other follow on/successor programs from unauthorized access by hackers or other intruders;

(7) the TSA has adopted policies establishing effective oversight of the sue and operation of the system;

(8) there are no specific privacy concerns with the technological architecture of the system; and

(9) the TSA has, pursuant to the requirements of 49 USC 44903 (i)(2)(A), modified CAPPS II or Secure flight or other follow on/successor programs with respect to intrastate transportation to accommodate States with unique air transportation needs and passengers who might otherwise regularly trigger primary selectee status.

(b) During the testing phase permitted by paragraph (a) of this section, no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a government watch list.

(c) The Government Accountability Office shall submit the report required under paragraph (a) of this section no later than February 15, 2005.''.

AMENDMENT NO. 3586

Mr. COCHRAN. Madam President, this amendment makes necessary technical changes in the bill language authorizing the Government Accountability Office—GAO—to perform review activities to verify air carriers' calendar year 2000 security costs and makes funds available to GAO for this purpose.

AMENDMENT NO. 3587

This amendment makes a technical correction to the bill in conformance of Public Law 108–271 renaming the General Accounting Office the Government Accountability Office.

AMENDMENT NO. 3588

This amendment makes technical corrections to bill language for the Government Accountability Office to report on the progress of the Secure Flight program.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, the amendments are agreed to.

The amendments (Nos. 3586 through 3588), en bloc, were agreed to.

Mr. REID. Madam President, while the distinguished manager of the bill is in the Chamber, I wonder if the Senator would agree—I talked to him personally, but so Senator BYRD knows—that Senator BYRD could offer his amendment during morning business in the morning. Would that be appropriate?

Mr. COCHRAN. Madam President, it is certainly OK with me for Senator BYRD to offer his amendment any time he wants to offer it. We are not putting one Senator in front of another. But he is the distinguished ranking member of the subcommittee, and we would be happy to see him offer his amendment when he wants to in the morning.

Mr. REID. I would say through the Chair to the distinguished manager of the bill that Senator BYRD is planning to be here when morning business finishes around 10:30 tomorrow. Our next amendment in order will be that offered by Senators DODD and STABENOW on first responders. That would be the next one that we would offer, just so the distinguished manager of the bill knows that.

Mr. COCHRAN. If it suits Senator BYRD, it suits me. There are some amendments on the list that we have been reviewing hoping to agree those would be the only amendments in order to the bill. I don't know how close we are to reaching an agreement on that or whether the acting leader is empowered to sign off on those agreements. We probably should wait until Senator BYRD is here though.

Mr. REID. We are working on a list of amendments, and we are not ready to do it at this time, but maybe tomorrow sometime we could do that. We will do our very best.

Mr. COCHRAN. Madam President, I encourage Senators to let us know if they intend to offer an amendment to this bill. We would like to have a finite list of amendments so we can expedite final conclusion of this bill tomorrow or as soon as possible.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Madam President, I have sought recognition to discuss an amendment which I have been discussing with the manager of the bill which would allocate $50 million for high-risk organizations as defined under section 501(c)(3) of the Internal Revenue Code with the priority of that $50 million to be determined by the Secretary of Homeland Security. The $50 million figure is firm, and there is no doubt that there will be a need for more than $50 million. This is a start. This is a start on the protection of 501(c)(3)s and the discretion of the Secretary of Homeland Security is limited to establishing the priority for the use of the $50 million. The Secretary does not have the authority to put up the $50 million. The $50 million will be firm under this amendment, with the discretion of the Secretary to establish the priority.

This amendment, which is currently being reworked, is expected to have $50 million dedicated for assistance to nonprofit organizations as defined under section 501(c)(3) of the IRS Code 1986 which are at high risk of international terrorist attack, with priority funding to be determined by the Secretary of Homeland Security.

An earlier draft of this amendment was to be cosponsored by Senator MIKULSKI, Senator SANTORUM, Senator MURRAY, Senator LUGAR, Senator KENNEDY, and Senator LIEBERMAN, but they are not being added as cosponsors at this point because they have to look over the change in wordage. But the substantive thrust is exactly the same, to provide $50 million for these 501(c)(3) institutions which are at high risk.

The Director of Central Intelligence has stated that al-Qaida has turned its attention to so-called ''soft targets.'' Al-Qaida's willingness to attack soft targets of all kinds has been made readily apparent with the attacks in the United States, England, Canada, Spain, Germany, Iraq, Tunisia, Kenya, Morocco, and Turkey, including an International Red Cross building, synagogues, train stations, hotels, airplanes, restaurants, nightclubs, and cultural and community centers.

There is broad national support for this initiative with the following organizations illustrative of the support: the American Association of Homes

and Services for the Aging; the American Jewish Committee; the American Jewish Congress; the American Red Cross; the American Society of Association Executives; the Association of Art Museum Directors; the Association of Jewish Aging Services of North America; Independent Sector; National Assembly of Health and Human Service Organizations; National Association of Independent Colleges and Universities; Theater Communications Group; Union of Orthodox Jewish Congregations; United Jewish Communities, representing 155 Jewish federations; the United Synagogue of Conservative Judaism; the United Way of America; and the YMCA of the United States of America.

This assistance would be delivered pursuant to pending legislation which Senator MIKULSKI and I have introduced as Senate bill 2275 which was marked up by the Governmental Affairs Committee and is now on the docket of the Senate.

I would have waited until tomorrow to make this presentation, but I will be traveling with President Bush in Pennsylvania so I will not be here to offer the amendment. The amendment has been discussed, as I say, with the manager. I believe it is going to be accepted, but it cannot be offered at the present moment because the senior Senator from West Virginia, Senator BYRD, has an amendment which he intends to offer which is broader in scope and, if enacted, may well cover this amendment. It is hard always to say what is going to happen if any amendment is offered in the future, but in the event the Byrd amendment is not accepted, then this amendment will be offered.

To repeat, I think it will be acceptable to the managers; however, no commitments were made. If the Byrd amendment is not accepted, or voted for and adopted, this amendment may still be in order, depending on the precise language of the amendment to be offered by Senator BYRD.

I wanted to lay out the provisions. It is very important that churches, synagogues, YMCAs, and other religious institutions have some specified protection under this Homeland Security bill.

The authorizing legislation which Senator MIKULSKI and I produced has been marked up and approved by the Governmental Affairs Committee. It authorizes some $100 million. But in discussions with the manager, the $50 million figure appears to be acceptable. We want to proceed on that basis.

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. SHELBY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MARITIME PATROL AIRCRAFT REQUIREMENTS

Mr. SHELBY. Madam President, I seek recognition for the purpose of engaging Senator COCHRAN, Chairman of the Homeland Security Appropriations Subcommittee, in a discussion on the U.S. Coast Guard's Deepwater program.

The chairman of the subcommittee, Senator COCHRAN, has the good fortune of representing a coastal State on the Gulf of Mexico very similar in geography to my State of Alabama. The chairman is an outstanding steward and supporter of the United States Coast Guard and in particular the ongoing Deepwater modernization program in the Coast Guard. This bill addresses numerous issues related to Deepwater and I appreciate the chairman's support and leadership on this vital issue to every coastal State, as well as the Nation.

Mr. COCHRAN. I thank the Senator from Alabama for his kind words. He is both a colleague and a neighbor to my State of Mississippi. As neighbors, our two States have a strong appreciation for a strong and capable Coast Guard.

Mr. SHELBY. I note that this bill contains a provision to address a continuing issue of concern over the provision of Maritime Patrol Aircraft assets for the United States Coast Guard. Last year, the chairman wisely and judiciously included funding in his bill for a third Maritime Patrol Aircraft. This year, the subcommittee bill includes a total of $15.25 million for the Maritime Patrol Aircraft requirement. This amount, together with available balances from previous appropriated funds for maritime patrol purposes, will enable the Coast Guard to place the third CN–235 Maritime Patrol Aircraft under contract and to fund long-lead items for the next series of CN–235 aircraft to be purchased, thereby reducing the cost of these next aircraft.

Mr. COCHRAN. As the Senator from Alabama is well aware, the Coast Guard has been moving slowly on the Maritime Patrol Aircraft Modernization pending a review of their requirements for specific types of aircraft throughout the Coast Guard. I am very sensitive to the Senator's concerns with this slow pace of Maritime Patrol Aircraft modernization. I would say to the Senator, that I firmly believe and am committed to the Coast Guard's modernization effort under the Deepwater program, which includes the Maritime Patrol Aircraft requirement.

Mr. SHELBY. I thank the chairman for his support for the Maritime Patrol Aircraft and the recognition of the importance of the CN–235 to the Coast Guard's mission requirement to achieve maritime domain awareness through aerial surveillance. Clearly, the security of the United States is improved through any effective means to push our borders farther out and extend our zone of security. The CN–235 is one such effective method of extending our borders.

Mr. COCHRAN. I share the Senator's assessment that the extension of our maritime surveillance is critical to our security interests. The Coast Guard selected the CN–235 as the optimal solution for the Maritime Patrol Aircraft mission and I continually encourage the Commandant to aggressively pursue the modernization of all assets to address the mission needs of the Coast Guard. It is clear that the Maritime Patrol Aircraft requirement has been delayed due to the Coast Guard review and I support any expedited effort to ensure that the long-term maritime patrol mission requirement is addressed.

Mr. SHELBY. I thank the Senator for his time and attention and I yield the floor.

Mr. NICKLES. Madam President, the pending Department of Homeland Security appropriations bill for Fiscal Year 2005, S. 2537 as reported by the Senate Committee on Appropriations provides $32.867 billion in budget authority and $30.736 billion in outlays in Fiscal Year 2005 for the Department of Homeland Security. Of these totals, $867 million is for mandatory programs in Fiscal Year 2005.

The bill provides total discretionary budget authority in Fiscal Year 2005, of $32 billion. This amount is $1.05 billion more than the President's request, it matches the 302(b) allocations adopted by the Senate Appropriations Committee, and is $2.812 billion more than Fiscal Year 2004 enacted levels excluding Fiscal Year 2004 supplemental appropriations.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate. I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

H.R. 4567, 2005 HOMELAND SECURITY APPROPRIATIONS

[Spending comparisons—Senate-reported bill (Fiscal Year 2005, $ millions)]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	32,000	867	32,867
Outlays	29,729	863	30,952
Senate committee allocation:			
Budget authority	32,000	867	32,867
Outlays	29,873	863	30,736
2004 Enacted:			
Budget authority	29,188	1,020	30,208
Outlays	26,771	850	27,621
President's request:			
Budget authority	30,950	867	31,817
Outlays	28,990	863	29,853
House-passed bill:			
Budget authority	32,000	867	32,867
Outlays	29,813	863	30,676
SENATE REPORTED BILL COMPARED AT:			
Senate 302(b) allocation:			
Budget authority			
Outlays	−144		−144
2004 Enacted:			
Budget authority	2,812	−153	2,659
Outlays	2,958	13	2,971
President's request:			
Budget authority	1,050		1,050
Outlays	739		739
House-passed bill:			
Budget authority			
Outlays	−84		−84

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

Mr. GRAHAM of Florida. Madam President, I ask unanimous consent to speak for 15 minutes as in morning business.

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

INTELLIGENCE REFORM

Mr. GRAHAM of Florida. Madam President, there are now fewer than 72 hours from this hour, on this Wednesday afternoon, until we observe the third anniversary of the terrorist attacks on this Nation when 19 hijackers took control of commercial airliners, converted them into weapons, and struck the symbols of our economic and military might.

When the House and Senate Intelligence Committees began the Joint Inquiry into the attacks of September 11, the first witness we called in public session was Kristen Breitweiser. Kristen's husband Ronald, who worked in the World Trade Center, was one of the 3,000 innocent lives lost that day. In his memory, she helped found the family group September 11th Advocates.

In her brave testimony, she described her husband's last words to her. She described her daughter placing flowers on an empty grave. On her right hand, she was wearing her husband's wedding band—charred, scratched, but intact—recovered from Ground Zero with a part of her husband's left arm.

Her testimony was deeply moving. Her closing words presented a call to action. This is what she said:

> All we have are tears and a resolve to find the answers because we continue to look into the eyes of our young children who ask us why.
>
> We have an obligation as parents and as a nation to provide these innocent children with answers as to why their mother or father never returned home from work that day.
>
> We need people to be held accountable for their failures.
>
> We need leaders with the courage to take responsibility for what went wrong.
>
> Mistakes were made and too many lives were lost.
>
> We must investigate these errors so that they will never happen again.
>
> It is our responsibility as a nation to turn the dark events of September 11th into something from which we can all learn and grow, so that we, as a nation, can look forward to a safe future.

As we debate the scope of reforms of our intelligence community, I hope we will keep in mind the challenge laid down by Kristen Breitweiser and the others whose lives have been touched by this tragedy.

Today, and over the next several days, I want to discuss with my colleagues the question of whether we have met her challenge. I, for one, do not believe we have. And then we need to look at the question of where do we go from here?

I will start my discussion this evening with a look at the history of our intelligence efforts and what that history tells us about the challenge of the future.

While America has understood the utility of intelligence since Paul Revere's midnight ride from Boston to Lexington, warning that the British were coming, America has never embraced intelligence. It was contrary to a nation that had fought a 7-year war to secure liberty from the very things that were the stock and trade of King George III's intelligence gathering: the late night knock on the door to separate a husband, father, or son from a frightened family; the use of torture to discover the rebellious plans of patriots; the clandestine search of private effects without notice or permission.

So it is of little surprise that the United States was the last advanced nation in the world to establish a permanent civilian intelligence agency—not until 1947—and that came only after two world wars when we realized that a new era—the cold war—was dawning.

When the Berlin Wall came down, the Soviet Union dissolved and the cold war ended, we had lost our single clear enemy, and our intelligence capabilities were allowed to wither.

There was no reliable and consistent source of funding for intelligence agencies, and the agencies failed to anticipate and adapt to the new threats of the 21st century.

That is clear from what we have come to know about the attacks of September 11. All Americans now realize that in this new world, an attack can come not only from an army of an enemy, but also in the form of a boat, a backpack, or a vial.

Now all Americans realize that intelligence has become a crucial shield, an evermore integral part of our national and personal security.

In this century, effective intelligence will be more important than it has ever been to this Nation for six reasons.

First, our adversary is different from any we have engaged in the past. It is not a nation but a tribe of tribes united by an ideology. The terrorists are not constrained by the global standards and values of the West but are instead a foe for which death and an afterlife in paradise are the highest goals of life. To know this enemy is essential to defeating this enemy, and Americans will be dependent on effective intelligence to gain that knowledge.

Second, we learned on September 11 that the Atlantic and Pacific are not the protective barriers to our domestic security they have been in the past.

Our new enemy was capable of insinuating 19 or more of its trained killers into our Nation, where they were able to refine a plan, practice and execute the most deadly attack on the continental United States in our history, and to do all of that in anonymity.

America will look to alert intelligence to do what two oceans can no longer do: protect us here at home.

Third, America can no longer abide by the rule of never striking first, waiting only until we have been acted upon. The consequences of waiting for threats to gather is too risky. But to be anticipatory, to be preemptive, requires the highest quality of intelligence, or we risk something else—the loss of lives of soldiers and civilians and the loss of our global credibility.

If we are to adhere to a doctrine of preemption, we have to be certain we know what it is we are preempting. We cannot afford to be deceived, manipulated, or blinded by ideology, as we have been in Iraq, or to waste time and resources fighting threats that are not real.

Fourth, sound intelligence will enhance our long-term security. America's political, economic, and security interests now span the globe. A vigilant intelligence community will alert us to emerging threats against our interests beyond the homeland. Through both strategic and actionable intelligence, we will be better able to confront terrorist threats abroad before those threats materialize at home.

But we face threats beyond terrorism—most especially the spread of weapons of mass destruction, including nuclear weapons. Accurate and actionable intelligence is absolutely necessary if we are able to make what many think is inevitable, an attack in the United States by terrorists with nuclear weapons, preventable.

Fifth, effective intelligence is important to maintaining our international relationships. Success in the 21st century will require alliances with nations that share our vision and our values, if not our views on all subjects. Credible information upon which wise judgments can be founded must be the bedrock of those alliances.

Sixth and finally, with better intelligence, our Nation and its leaders will be more able to focus on the challenges of the future rather than the failures of the past. The pace of technological change will only continue to accelerate, and the rising tide of globalization will lead to a new and complex web of relationships between state and nonstate actors. Better intelligence will help us keep up with the pace of change as we continue to identify new challenges.

For all of these reasons, in the 21st century, intelligence will have a role to play in almost every way we seek to provide greater security at home and advance our interests abroad.

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. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. McCONNELL. Madam President, I ask unanimous consent that the list of amendments I will send to the desk be the only first-degree amendments in order to the bill; provided further that they be subject to second degrees that are relevant to the first degrees; finally, that all other provisions of the previous order governing this bill remain in effect.

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

The list is as follows:

Allard—Reports from DoHS, Allard—Reports from DoHS, Baucus—Border Air Bases Security Money, Baucus—Relevant, Baucus—Relevant, Bennett—U.S.-Customs Service, Biden—AMTRAK, Boxer—Air Marshals, Boxer—Air Marshals, Boxer—Interoperable Communications, Boxer—Port Security Grants, Boxer—Related to Homeland Security, Bunning—Aviation Security, Bunning—Relevant and Germane, Byrd—Additional Funds for Homeland Security.

Byrd—Relevant, Byrd—Relevant, Byrd—Relevant, Byrd—Relevant, Byrd—Relevant, Byrd—Relevant to any on the list, Carper—Rail Security, Clinton—Funding for FDNY and NYPD, Clinton—Insert language requiring Homeland Security funds beyond small State minimum to be allocated based on threat and risk, Clinton—Strike requirement that Homeland Security funds be allocated on per-capita basis (this language is in the Senate report, not the bill), Clinton—High threat urban areas, Cochran—Managers Amendments, Cochran—Relevant, Cochran—Relevant, Cochran—Relevant, Cochran—Relevant, Cochran—Relevant, Collins—Relevant, Collins—Relevant, Corzine—Relevant, Daschle—Relevant, Daschle—Relevant, Daschle—Relevant to any on the list, Daschle—Relevant to any on the list, Dayton—Relevant, Dayton—Relevant, DeWine—Firefighters Assistance, Dodd—Fire Fighters, Dodd—First Responders and other Homeland Security needs, Dole—Textile Transshipment Fundings.

Dorgan/Conrad—Ag., Durbin—Customs, Durbin—Homeland Security Management, Feingold—Data Mining, Feingold—Emergency Responders, Feingold—Relevant, Feingold—Relevant, Feingold—TSA, Feinstein—Relevant, Feinstein—Relevant, Fitzgerald—CFO Appointee, Fitzgerald—CFO Political Appointee, Fitzgerald—CFO Political Appointee, Fitzgerald—CFO Reporting, Frist—Relevant or Relevant to the list.

Frist—Relevant or Relevant to the list, Frist—Relevant or Relevant to the list, Frist—Relevant or Relevant to the list, Frist—Relevant or Relevant to the list, Harkin—Increase Hazardous Mitigation Grant Program, Harkin—Relevant, Hatch-Dugway Proving Ground, Hatch—Homeland Security, Hollings—Port Security, Landrieu—Barge Tracking, Landrieu—Personnel, Lautenberg—Coast Guard, Lautenberg—Color coded threat system, Lautenberg—Port Security, Lautenberg—Port Security.

Lautenberg—Rail Security, Lautenberg—Reimbursement due to convention and elevated alert levels, Lautenberg—Transportation Security Information, Leahy—Immigration (House Version), Levin—Contracting with Corporate Ex-Patriots, Levin—Relevant, Lieberman—Port Security, McConnell—Related, McConnell—Related, McConnell—Related, Mikulski—Fire Grants, Mikulski—Overtime for Border Agents, Murkowski—FEMA Disaster Assist Employee CADRE, Murray—Related, Murray—Related.

Murray—Related, Murray—Related, Murray—Related, Nelson-Florida—Ag., Nelson-Florida—American Red Cross, Nelson-Florida—Economic Assistance, Nelson-Florida—FAA, Nelson-Florida—FEMA, Nelson-Florida—SBA, Nelson-Nebraska—First Responders, Reed—Congressional Notification, Reed—LNG Shipment Security, Reed—Transit Security, Reed—Transit Security, Reid-Hazardous Material Truck Tracking.

Reid—Interoperable Communication, Reid—Relevant, Reid—Relevant to any on list, Reid—TSA Funding, Reid—Waterfall Fire, Schumer—Buffalo Peace Bridge, Schumer—High Threat Urban Area Funding, Schumer—Hospitals, Schumer—Immigration, Schumer—Northern Border, Schumer—Port Security, Schumer—Rail and Transit Security, Schumer—Relevant, Schumer—Relevant, Schumer—Relevant.

Schumer—Rochester Fast Ferry, Schumer—Signal Corps, Schumer—Stingers, Schumer—Truck Security, Shelby—Marine Patrol Aircraft, Specter—Homeland Security, Specter—Homeland Security, Stabenow—Funding for Non-urban Border Crossing, Stabenow—Rundmond/Hart Funding, Stabenow—Rural Volunteers/First Responders, Stevens—Relevant, Stevens—Relevant, Talent—Homeland Spending Allocation, Talent—Threat-Based Assessment, Voinovich—EMPG, Voinovich—First Responders Med. Screening, Warner—Storm Damage, Warner—Storm Damage.

Mr. REID. Madam President, if I may have the attention of the distinguished majority whip, as he can see, there are scores of amendments. We are going to be as cooperative as we can. We have a number of ours that are relevant amendments, and we will work with our side to see how many are serious about offering amendments. It is going to be a real heavy lift to finish this by next Tuesday, which is what the leaders want.

Mr. MCCONNELL. Madam President, I say to my friend, I hope we will have the cooperation to try to winnow down the list and finish up the bill prior to the Jewish holiday, which begins next Wednesday.

MORNING BUSINESS

Mr. MCCONNELL. Madam President, I ask unanimous consent that there now be a period for morning business for debate only with Senators permitted to speak therein for up to 10 minutes each.

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

IN MEMORY OF SALLY KABISCH

Mr. REID. Madame President, there are times in history when one person can and does make a difference.

The recent death of Sally Kabisch reminded me of one such person and one particular period of time.

Sally Kabisch dedicated herself to a remarkable career of conservation. She worked at various times as a grassroots organizer and advocate for conservation efforts in Nevada, California and Alaska.

One of Sally's great achievements was in Nevada.

Perhaps more than any other citizen, Sally is responsible for Nevada's Forest Service Wilderness bill, which I had the opportunity to pass through Congress in 1989.

From 1986 until President Bush signed the Nevada Wilderness Act on December 5, 1909, Sally was an indomitable and ever-optimistic force for protecting wild places in Nevada.

She worked doggedly to build support for wilderness. She organized, she advocated, and she traveled.

As she worked to pass that law, she was patient, positive, enthusiastic, stubborn and determined.

As her friend and another great advocate for Nevada's outdoors, Marge Sill, says, ''she was a constant inspiration to all of us.''

Sally's husband Tom Kizzia and her children Emily and Ethan know what the rest of us should remember: One person can make a difference.

Sally was one person who made a great difference. Nevada and America are better and wilder for it, forever.

INTERNATIONAL MARIACHI CONFERENCE AND FESTIVAL

Mr. REID. Madam President, today I celebrate the Clark County School District's inaugural International Mariachi Conference and Festival. This event, promoting cultural awareness and appreciation in the Las Vegas community through the performance of mariachi music, will be held in Henderson, NV, this September.

The Clark County School District, already highly regarded for its progressive approach to music education, serves close to 1,000 mariachi students in 12 schools through its newly formed Secondary Mariachi Education Program.

Thanks to the tireless efforts of Jesus Javier Trujillo, Marcia Neal and many others in the Clark County School District, the conference and festival will offer participants a quality musical experience and help foster a lifelong interest in music. For performers, such as the members of Mariachi Cobre, Mariachi Los Arrieros del Valle, and the Clark County School District Mariachi Task Force, the event will offer an opportunity to promote their culture and showcase their musical talents.

I salute Mr. Trujillo, Ms. Neal, and the Clark County School District on establishing the International Mariachi Conference and Festival, and extend my best wishes that this event will enjoy a successful future.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Madam President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In Fort Worth, TX, on October 21, 2000, a high school student was hospitalized after two 17-year-olds allegedly attacked him in a parking lot, beating him and scratching antigay epithets into his car. The victim suffered a broken nose and numerous other injuries, including cuts, bruises and two blood clots on his brain.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS NICHOLAS SKINNER

Mr. GRASSLEY. Madam President, I rise today to pay tribute to a great patriot, PFC Nicholas Skinner, U.S. Marine Corps. Private First Class Skinner courageously gave his life on August 26, 2004, in support of Operation Iraqi Freedom when he was shot during a heavy exchange of gunfire in Najaf, Iraq. Private First Class Skinner is survived by his father Randy Skinner, his mother Laura Hamann, his older brother James and his younger sister Stephanie. This brave young soldier was only 20 years old. In his short life he made a lasting impression on his friends, family and fellow soldiers.

I ask my colleagues in the Senate and my fellow Americans to join me today in paying tribute to my fellow Iowan, Private First Class Skinner, for his sacrifice on behalf of our country. My deepest sympathy goes out to his family and friends. Private First Class Skinner was a great man that dedicated himself to his duty as a soldier. Private First Class Skinner told his grandmother that he joined the Marines because ''They're over there fighting for me and my country, I want to go over there and fight for you and my country.'' Private First Class Skinner is the example of a fine man and a strong soldier. I salute him for his sense of duty and his service to the American people.

We can all be proud of this extraordinary soldier. He did not die in vain, but died for his country that he loved to serve. Private First Class Skinner has entered the ranks of our Nation's greatest patriots. He will always be honored as a hero who gave the ultimate sacrifice for liberty. He will be greatly missed.

CONGRATULATIONS TO MICHIGAN OLYMPIANS

Mr. LEVIN. Madam President, I take this opportunity to congratulate all of the athletes who competed in the 2004 Summer Olympic Games in Athens, Greece. The Olympic Games celebrate years of training, struggle and perseverance in overcoming obstacles and striving to become the best. It was wonderful to see so many athletes from across the globe come together in peaceful competition.

Greece did a tremendous job of hosting the Games. The scenery was breathtaking, and the venues were spectacular. These Games were especially notable because of the return of the Olympics to its birthplace in Greece. The historic legacy of Greece was particularly noteworthy for the marathon competitors who began their journey in the ancient city of Marathon, the original location of the event, and for the shot-put competitors who competed in the original Olympic stadium in Olympia.

Over a 16-day span, the Olympic spirit was embodied by the athletic prowess and grace displayed by the best athletes our country has to offer, including many from Michigan. Michigan continued our long tradition of contributing world-class athletes to both the Summer and Winter Olympic Games with athletes competing in 13 different sports in this year's Games. It was inspiring to witness their total effort, and in many cases, the realization of their dreams. There are legions of young athletes who watched these Games and will continue to dream and strive to one day represent their country with the same pride, grace and determination that was on display at these Games.

I am particularly proud of the 28 individuals from Michigan who competed for the United States in the 2004 Athens Olympics. All of the athletes on Team USA achieved amazing feats to qualify for these Games. The Michigan Olympians included Martin Boonzaayer in judo; Tim Broe in track and field; Swin Cash in basketball; Tara Cunningham in weightlifting; Andre Dirrell in boxing; Kate Johnson in rowing; Kara Lynn Joyce in swimming; Klete Keller in swimming; Dan Ketchum in swimming; Rachel Komisarz in swimming; Kate MacKenzie in rowing; Tom Malchow in swimming; Kate Markgraf in soccer; Jamie Nieto in track and field; Carly Piper in swimming; Andy Potts in the triathalon; Jasna Reed in table tennis; Ruth Riley in basketball; Dathan Ritzenhein in track and field; Artour Samsonov in rowing; Jeff Smoke in canoe/kayak; Daryl Szarenski in shooting; Sheila Taormina in the triathalon; Lindsay Tarpley in soccer; Paul Terek in track and field; Peter Vanderkaay in swimming; Steve Warner in rowing; and Lauryn Williams in track and field. This outstanding group of athletes brought honor to our State and Nation and accounted for a total of 15 medals for the United States: eight gold, five silver, and two bronze.

In addition, competing at these Games were nine other athletes with ties to Michigan: Michael Phelps in swimming, who will be attending the University of Michigan, U of M; Alan Webb in track and field, who attended the U of M; and Venus Williams in tennis, who lived in Michigan, competed for Team USA. In addition, six athletes with Michigan ties competed for other countries: Courtney Babcock for Canada in track and field; Carlos Delfino for Argentina in basketball; Chris Demetral for Greece in baseball; Andrew Hurd for Canada in swimming; Kevin Sullivan for Canada in track and field; and Nick Willis for New Zealand in track and field.

Every two years we watch the Summer and Winter Games to catch a glimpse of these extraordinary athletes' struggles and successes. An Olympian's life is about sacrifice, about showing up to grueling practices day after day, about working hard to become the best in the world. It was riveting to watch these Games unfold. In Athens, as is the case in every Olympiad, there were many amazing moments that will resonate in our minds for years to come. Let me take a moment to highlight a few of them.

Representing the WNBA Champion Detroit Shock on the gold medal winning women's basketball team were Ruth Riley and Swin Cash. The women won the gold medal by going unbeaten, increasing their Olympic winning streak to an incredible 25 games. Another notable achievement was accomplished by Andre Dirrell of Flint, who won a bronze medal in the middleweight division in boxing. Dirrell showed the heart of a champion as one of only two U.S. boxers to win a medal in these Games.

First-time Olympian Lauryn Williams of Detroit won the silver medal in the 100-meter sprint. In an extremely close race, Williams edged out a Jamaican runner to finish with the silver and a personal best time. In addition, Kate Johnson, from the U of M, won a silver medal as part of the women's eight rowing team. The team set a world record in one of their preliminary heats en route to winning their medal.

On the soccer field, the U.S. women's team took the gold medal with an extremely thrilling 2 to 1 overtime victory over Brazil. Michigan residents Kate Markgraf and Lindsay Tarpley helped the team achieve this victory over the tough Brazilian team. Tarpley, a midfielder from Kalamazoo, tallied one assist against Greece and scored the first goal in the gold medal match against Brazil. Markgraf of Bloomfield Hills, starting in all six games as a defender, helped her team remain undefeated. This was her second time representing the United States in the Olympics.

Another heart pounder came in the men's 4x200 meter freestyle swimming relay. The U.S. men's team, which included Peter Vanderkaay from Royal Oak, Klete Keller from Ann Arbor, U of M alumnus Dan Ketchum and future Wolverine Michael Phelps, held off a strong Australian team to win the gold and set an American record. In addition to this golden performance, Keller won the bronze medal in the 400-meter freestyle, and Michael Phelps won an additional five gold and two bronze medals to establish himself as one of the stars of this or any Olympiad.

For the women's swim team, Kara Lynn Joyce from Ann Arbor won a silver medal as a part of the 4x100 meter medley relay team. Additionally, Joyce, along with teammate Rachel Komisarz from Warren, won a silver medal in the 4x100 meter freestyle relay. Another victory was secured by the women's 4x200 meter freestyle relay team, which included Komisarz and Carly Piper from Grosse Pointe Woods who swam in the finals. In the finals, the U.S. women broke the world record.

The athletes with Michigan ties who represented other countries had many

notable achievements as well. Second baseman and Troy resident Chris Demetral, a Greek American, assisted the Greek baseball team to a 7th overall finish. In men's basketball, Carlos Delfino, who was drafted by the World Champion Detroit Pistons in 2003 and will be joining the team this year, competed for the Argentinean Olympic team.

Our athletes were supported by a great number of coaches and staff who made their success in the Games possible. The coaches with ties to Michigan include Bob Bowman of the U of M in swimming; Larry Brown of the Detroit Pistons in basketball; Todd Dagenais of Michigan State University in volleyball; Steven Fraser from the U of M in wrestling; Kevin Jackson from Jackson in wrestling; Al Mitchell of Northern Michigan University in boxing, and Jon Urbanchek of the U of M in swimming. In addition to the coaching staff, three U of M alumni were involved in the administration of the Games. Jeffrey Benz is the current general counsel and Abigail Tompkins is a member of the United States Olympic Committee, USOC. Thomas Miller is the current United States Ambassador to Greece. All of these individuals worked tirelessly to assist the athletes in their pursuit of greatness at these Games.

I know I speak for all Michiganians in expressing appreciation and congratulations to all of the Michigan athletes, coaches, and administrators who took part in the 2004 Summer Olympic Games. The Games last a few short weeks, but the memories will be ingrained in the minds of all who saw them and shared vicariously in the efforts of these great athletes. For their commitment, drive and competitive spirit, I congratulate all the athletes of the 2004 Olympic Games, but it is with particular pride that I salute the athletes and coaches from Michigan.

2004 OLYMPIC GAMES

Mr. FEINGOLD. Madam President, I am sure that my colleagues will join me in congratulating the American athletes who competed in the 2004 Olympic Games in Athens, Greece.

The Olympics have a rich history, with records dating the first Olympic Games to 776 B.C. in Olympia, Greece. The early athletic contests allowed youths to highlight their physical prowess, with victory reflecting well upon the competitor's home city. The modern Olympic Games have endured for over a century, through times of war and peace, and this year, the Olympics returned to its origins.

The symbols of the Games—the motto, the flames, the rings—carry important meanings. The Olympic motto ''citius—altius—fortius'', which is Latin for ''faster—higher—stronger'' encourages all to strive to achieve their personal best. The Olympic flame, lit by the sun's rays in Olympia and passed around the world, burns bright while the competitions continue. The five Olympic rings represent the five continents, interwoven to demonstrate the universality of the Games.

Being an Olympian is a tremendous honor, and I commend the many athletes who represented our Nation well. America's 2004 Olympians are some of the finest athletes in the world. Dedicated to their sport, these individuals often devote years of their lives to training for the ultimate experience of competing in the Olympics. All competed well, and their hard efforts were rewarded as a remarkable 103 medals were earned by Americans in Athens.

I would like to particularly recognize the Olympians from my home State of Wisconsin. Fifteen athletes competing in the 2004 Olympic games have ties to Wisconsin, and I am proud of their efforts. These 15 athletes traveled to Athens to compete in a variety of sporting events, events that ranged from rowing to gymnastics to the modern pentathlon. It is my honor to recognize these fine competitors from Wisconsin:

Chris Ahrens. A graduate of Whitefish Bay High School and two-time Olympian, Chris earned a gold medal this year as a member of the men's eight rowing team.

Deirdre Demet-Barry. A seven-time national cycling champion originally from Milwaukee, Deirdre competed in women's cycling while in Athens.

Rebecca Giddens. A kayaker since age 10, this Green Bay native earned the bronze medal in the women's K1 flat kayak slalom.

James Gruenwald. Originally hailing from Greendale, James competed in his second Olympics in the men's Greco-Roman wrestling competition.

Dennis Hall. A proud cheesehead and Plover resident, Dennis competed in the men's Greco-Roman wrestling for his third Olympics.

Paul Hamm. A native of Waukesha, Paul won gold and silver medals in men's gymnastics events in his second Olympic Games.

Morgan Hamm. As a member of the U.S. men's gymnastics team, this Waukesha native helped lead the team to a silver medal.

Ben Holbrook. Ben is originally from Hartland and competed in the Men's quadruple sculls rowing competition in Athens.

Beau Hoopman. Raised in Plymouth, Beau rowed at the University of Wisconsin and won a gold medal in Athens with the men's eight rowing team..

Mary Beth Larsen-Iagorashvili. A graduate of Mukwonago High School who attended Marquette University, Mary Beth competed in the women's modern pentathlon.

Garrett Lowney. Athens was the second Olympic Games at which this Freedom resident competed in men's Greco-Roman wrestling.

Erin Mirabella. Erin, a native of Racine and former student at UW-Parkside, won the bronze medal for her performance in women's track cycling.

Jeff Nygaard. Jeff showed his Wisconsin roots when he named Brett Favre as a favorite athlete. From Madison, Jeff competed in men's beach volleyball.

Andrew Rock. A student at UW-La Crosse, Andrew won a gold medal as a member of the men's 1,600 meter relay in Athens.

Matt Smith. A graduate of the University of Wisconsin, Matt currently serves our country as an infantry captain for the U.S. Army. He competed as a rower in the men's lightweight four.

Neil Walker. A swimmer originally from Verona, Neil earned two Olympic medals—a bronze in the men's 4 x 100 freestyle relay and a gold medal in the men's 4 x 100 medley relay.

Mike Wherley. A Sun Prairie High School graduate, Mike rowed in his first Olympics with the men's four in Athens.

I offer my congratulations to these athletes. They demonstrated great passion and dedication to their sport and to the spirit of the Olympics. They made Wisconsin proud.

VOTE EXPLANATION

Mr. TALENT. Madam President, I was unavoidably detained and unable to participate in rollcall vote No. 164 that took place on September 7, 2004. My flight was diverted from its intended destination of Reagan National Airport to Dulles International Airport and prevented me from being able to cast my vote. Had I been present I would have voted in favor of the nomination of Virginia Maria Hernandez Covington to be U.S. District Judge for the Middle District of Florida.

SUPPLEMENTAL APPROPRIATIONS BILL

Mr. GRAHAM of Florida. Mr. President, I rise today to say thank you on behalf of the millions of citizens of my State who have been affected by the incredible events of the last month.

Thank you to all of the State and local officials who took quick and decisive actions that saved many lives. Thank you to the first responders who helped citizens evacuate and continued working to keep people safe throughout these major storms. Thank you to the thousands of volunteers from the Red Cross, who staffed hundreds of shelters that served as the only safe haven for many Floridians. Thank you to the professionals from FEMA and the Small Business Administration, who activated immediately and began to respond in a manner I have not witnessed before.

I did a workday as a hurricane recovery volunteer in Port Charlotte, FL, on August 31, assisting Red Cross volunteers to distribute midday meals to people who were still without power and then going door-to-door with FEMA workers for follow-up damage assessments. I was moved by the gratitude on the faces of people fighting to

recover some degree of normalcy in their lives, even as they face daunting odds—roofs open to the sky, shattered windows, no air conditioning, their possessions scattered and broken.

Every June 1, the citizens in my State prepare for another hurricane season. Some have lived in Florida all their lives and are very well versed in hurricane procedures. Some are new residents and have never been through a large storm. Nothing, however, could have prepared Floridians for the recent series of devastating events which started with Tropical Storm Bonnie striking the panhandle in early August, followed by Hurricane Charley crashing into Florida's west coast on August 13, and continued with Hurricane Frances attacking the entire State this past weekend. Now we are tracking Hurricane Ivan, which is again headed in our direction.

It is remarkable that these massive storms, which impacted nearly all of the 67 counties in the State of Florida, have caused only 29 confirmed fatalities. Hurricane Charley, a category 4 storm with winds in excess of 135 miles per hour, and Hurricane Frances, a category 2 storm with winds near 100 miles per hour, could have been much deadlier. However, while human losses were mercifully low, Florida's infrastructure suffered greatly.

Now we must move forward and look toward cleaning up and rebuilding our homes and businesses. I applaud the Senate's quick approval of supplemental appropriations of $2 billion in emergency assistance through both FEMA and the Small Business Administration. After responding to these major events in my State as well as the recent tropical storm in Virginia, FEMA is stretched extremely thin and needs an influx of funds to keep operations up and running and planning for the long-term recovery.

In the last three weeks alone, FEMA has issued over $100 million in individual assistance funds to Florida residents. Over $2.7 million of that has already been allocated for Hurricane Frances' victims, while the storm is still moving up the Eastern seaboard. The SBA has already approved over $23 million in disaster loans from Charley and with a filing deadline for assistance extended until October 12, 2004, we expect that number to increase exponentially.

The supplemental appropriations bill passed yesterday is only the first installment of badly needed funds for recovery. We must get an accurate assessment of the damage and determine the appropriate amount of funding needed and the appropriate Federal agencies to assist specific sectors of the State in rebuilding.

The physical infrastructure needs must be determined. How much damage did the road network suffer? Early estimates from Charley alone total over $65 million for the Federal-aid system. Several Florida airports sustained major damage, which totals nearly $34 million. These are just a few quick estimates. Across the board, we need to determine the extent of damage to Florida's infrastructure from both Charley and Frances—the highway and transit network, airports, seaports and schools.

Additionally, our Florida growers have been devastated. Early estimates top $225 million in citrus losses for Charley alone, with over 40 percent of the citrus crop lost. It is too early to tell, but losses from Frances could top $800 million. The crop insurance program will not be able to cover losses of this magnitude. Congress must step in to help Florida farmers.

These examples are just a small snapshot of the needs of our State. As we determine the amount of damage in other areas, we will need to appropriate funds for other Federal agencies, such as Army Corps of Engineers, Housing and Urban Development, Health and Human Services, Department of Defense, NASA and others.

We must move quickly to put together an accurate assessment of the impact that these storms have had on the State of Florida and respond to this need with adequate Federal funding. I look forward to working with my colleagues in the coming days to achieve this goal.

THE BENIGNO FAMILY AND BRAIN INJURY RESEARCH

Mr. CORZINE. Madam President, I rise today to pay tribute to the Benigno family of Clifton, NJ, for their tireless efforts to advance the cause of brain injury research.

Nearly 20 years ago, Dennis and Rosalind Benigno's 15-year-old son, Dennis John, was struck by a car while walking home from a football physical. Dennis John suffered severe, long-term brain injuries in the accident. Now 34, Dennis John cannot walk or talk. He communicates with his eyes and laughter, and seems to understand when his parents talk to him. Dennis and Rosalind have made a life of caring for their injured son.

Their personal tragedy, however, is not the end of the story. Mr. Benigno has turned tragedy into action. He has been a passionate advocate on behalf of his son raising awareness and promoting research efforts that offer the prospect of a cure for traumatic brain injury. The Benignos founded the Coalition for Brain Injury Research, which has donated more than $125,000 in the past 2 years to the study of brain cell repair. They raise funds through walkathons and a lectures series, and Mr. Benigno has traveled throughout the country for research dollars.

Mr. Benigno has also turned to his elected representatives in New Jersey and Washington, DC. His efforts have led to the creation of the Congressional Brain Injury Task Force, cochaired by my good friend Congressman BILL PASCRELL. For the last 6 years, Mr. Benigno has also lobbied local, State, and Federal legislators to support legislation that would create a dedicated source of funding for medical research into traumatic brain injuries.

His work has begun to pay off. On January 2 of this year, Governor McGeevy signed the Brain Injury Research Act into law. With this legislation, New Jersey becomes the first State in the Nation to create a funding stream for researchers devising treatments and cures for brain injuries. The act is expected to raise more than $3 million a year for brain injury research from a $1 surcharge on motor vehicle penalties.

Dennis John is one of more than 5.3 million Americans who currently suffer disabilities from brain injury, according to the Centers for Disease Control, CDC. Every year, 200,000 people sustain brain injuries, a number that exceeds the incidence of HIV/AIDS and breast cancer. Right now, there is no cure. In fact, brain injuries are the only catastrophic illness for which scientists have yet to readily identify a cure as their research goal. The Brain Injury Research Act, finally, offers hope to the hundreds of thousands who suffer from brain injuries that an effective therapy may be in sight.

While religious authorities, ethics scholars, and we here in the halls of government continue to debate the implications of stem and fetal cell research, the Benigno's remain focused on one thing—supporting the research efforts that may find a cure for their son and others like him. As we make decisions that have the power to spark or extinguish the hopes of millions that the cures they pray for may be found, we should keep the Benignos in mind.

One point is very clear—this new law and the hope it nurtures are a credit to Mr. Benigno's dedication, courage, and perseverance. He is an inspiration to all of us, and a testament to what one determined citizen can achieve in our democracy.

ADDITIONAL STATEMENTS

HONORING THE ACCOMPLISHMENTS OF THE LOUISVILLE STUNNERS

• Mr. BUNNING. Madam President, I pay tribute and congratulate the Louisville Stunners 16-and-under fast pitch softball team. Their recent play has given Kentucky reason to be proud.

Led by coach Kevin Johnson, the Stunners qualified for their division's USSSA World Series in Columbus, IN, held from July 26 to August 1, 2004, being the only team to represent Kentucky. While there, they finished in fourth place out of 54 teams. Not only did they play well against the best teams in the country, but they also received the sportsmanship award.

I cannot think of a much better group of young people to represent Kentucky. As a former Major League

Baseball player, I appreciate their athletic excellence. As a United States Senator from Kentucky, I appreciate the dignity and decorum with which they played.

I am proud to read the names of these teammates into the CONGRESSIONAL RECORD today. They are Whitney Atcher, Alicia Ewen, Jodi Pence, Jennifer Young, Jennifer Kisselbaugh, Tiffany Dean, Courtney Roller, Holly Goemmer, Jessica McGohon, Krystle Johnson, Kasey Graham, and Jennifer Johnson.

The citizens of Kentucky should be proud of these young ladies. Their example of dedication and hard work should be an inspiration to the entire Commonwealth. I wish them continued success both on and off the softball field.●

IN RECOGNITION OF SENATOR CARPER'S NATIONAL PARKS COMMITTEE

● Mr. CARPER. Madam President, today I give thanks to the members of my National Parks Committee in Delaware for all of their efforts, time, and dedication in attempting to establish a national park in Delaware.

Delaware is the only State that does not have a national park, national monument, national historic site or any other unit of the National Park Service. It is through the hard work of the members of this committee that we have narrowed down the search in recommending the first national park in the First State.

I began the process of trying to establish a national park in 2002. My staff and I took suggestions from the public via surveys, a web poll, and phone calls. We received hundreds of responses, and suggestions ranged from Fort DuPont to Cape Henlopen State Park to the Underground Railroad to the World War II Towers. After several months of hearing what the public recommended, I established the National Parks Committee in 2003.

The committee was comprised of 12 people, including Dr. James Soles, the head of the committee, Dr. Wilma Mishoe, Ms. Norma Lee Derrickson, the Honorable John Schroeder, Mr. O. Francis Biondi, Mr. Ernst Dannemann, Dr. Linda Johnson-Gilliam, Ms. Jane Richter, Ms. Maria Matos, Mr. Ruly Carpenter, Mr. Bill Powers and Mr. Edwin Mongan III. For several months, the members met and discussed extensively each of the suggestions offered by the public. They held workshops in each county whereby the public could attend, participate and offer suggestions. They took a tour of the proposed sites to determine which location would make the best national park.

After months of deliberation, the committee came to its final recommendation: the creation of ''The Delaware National Coastal Heritage Park.'' This National Park would memorialize the rich and diverse history of Delaware's coastal areas, bringing that history and related attractions into sharp focus for area residents and visitors alike.

This park would be unique among national parks in both its physical dimensions and its theme. Physically, the park would be comprised of a series of four interpretive centers. The centers would largely direct visitors to already existing attractions related to the theme of the park—that is that Delaware's coastal region is comprised of a series of historic, cultural and natural interwoven threads that hold great significance in the history of both Delaware and the United States.

The concept of the unit recognizes that Delaware's coastal region is a near perfect microcosm of America's coastal regions and that they have always played a key role in human activity. It recognizes that the fabric that makes up our Nation is in turn made up of many threads of human and natural activity and that most of those threads have their origins in coastal regions like Delaware's.

In the First State, these threads start with the development of the earliest human settlers in the area and run through to some of the most sophisticated human activities of modern times. Among the most significant are the history of the first European settlers in the Delaware Valley who built Fort Christina in 1638, the development of coastal defenses from the beaches of Cape Henlopen on the Atlantic Ocean to Pea Patch Island in the Delaware River and, the successful operation of the Underground Railroad, by which thousands of enslaved Africans found their way to freedom along Delaware's ocean, bay and river coastline. Other threads include: the history of the Native American tribes such as the Lenni Lenape in what is now Delaware, the arrival of the Finns and the Swedes at the Rocks in Wilmington, the increased influence of the English and Dutch as European immigration grew, the development of transportation and commerce along the same waterways starting with the earliest explorers and extending to today's ultra modern Port of Wilmington, the expansion of modern industry including the early gunpowder factories of Irenee DuPont, the rise of the chemical industry and today's two modern auto assembly plants and the credit card giants that dominate Wilmington's skyline, Delaware's significant contributions to the development of our constitutional republic, including Delaware's historic vote at the Golden Fleece Tavern in Dover to ratify the Constitution of 1787, making it the first State to do so, and the beautiful and ecologically important natural areas along the coast that are already preserved as wildlife refuges.

These threads will be highlighted and showcased in a format unique to the National Park system. The park will be structured much like a series of four bicycle wheels, each with a hub and spokes. The hubs will be interpretive centers located strategically along the coast line. The spokes will be the multitude of attractions and sites that relate to the various threads described above.

The ''gateway'' or ''headquarters'' hub will be located on the 7th Street Peninsula at the site of the original Fort Christina. Within a short walking distance of the existing Fort Christina State Park is the Old Swedes Church, the oldest Episcopal Church in America in continuous use; the Kalmar Nyckel, a replica of the ship that carried early Swedes to our shores; Tubman-Garrett Park, located at a point in Wilmington where escaping slaves swam across the Christina River as part of their journey on the Underground Railroad, and other attractions. As a hub, it would provide information, recommendations and directions about other sites in the Wilmington area that relate to the threads of the coastal region.

A second hub would be located in the City of New Castle. It would provide information on attractions in the city's renowned historic district as well as related attractions in New Castle County such as Fort Delaware State Park on Pea Patch Island and Old St. Anne's Episcopal Church in Middletown, originally founded in 1705.

A third would be located in Kent County, along the coast of the Delaware River. It would provide information on the existing preserved natural areas such as Bombay Hook and on the myriad other attractions in Kent County that are integral parts of the threads highlighted by the park. These would include the John Dickinson Mansion, Dover's historic Green and others.

The fourth and final hub would be located in the Lewes area and would provide information on the numerous historic sites and natural areas that have made Sussex County's coastal region so pivotal to Delaware. These would include the Zwaanendael Museum, the Fenwick Lighthouse, and the Georgetown County Courthouse.

Together, these four interpretative centers would direct visitors to the many existing attractions that help us understand and appreciate the entire fabric of our society, a fabric woven from the many threads of Delaware's coastal region.

It is through the dedication and hard work of these sixteen members that this park is even a possibility. Each of the members took time out of their busy lives to help with this important project marking Delaware's history. I thank them, along with several members of my staff, for all their hard work and congratulate them on a job well done.●

IN RECOGNITION OF THE VOICES OF DETROIT INITIATIVE

● Mr. LEVIN. Madam President, I would like to take a moment to recognize the Voices of Detroit Initiative, VODI. VODI provides an opportunity for people living in Detroit and Wayne

County, who do not have insurance, to improve their health. VODI has emerged as an extraordinary leader in Michigan's efforts to provide better health care access for the uninsured. The Robert Wood Johnson Foundation, RWJF, recognized VODI for its efforts and awarded them a grant as part of RWJF's Urgent Matters initiative to increase understanding of the health care safety net and improve the efficiency of emergency care.

Over a quarter million residents are without health insurance coverage in Detroit and Wayne County. This lack of insurance has severe implications on patient health and the availability of resources to care for the uninsured, most of whom are low-income working people. As a result, more than 50 percent of emergency room visits are for problems that could have been treated outside of the emergency room.

VODI is a coalition between Michigan's leading systems: Henry Ford Health System, Detroit Medical Center, St. John Health, Oakwood Healthcare and Federally Qualified Health Centers. The Federally Qualified Health Centers are made up of Advantage Health Centers, Community Health and Social Services, CHASS, and Detroit Community Health Connection, and the Detroit and Wayne County Health Departments. Together these leaders work to connect the uninsured with a provider or clinic that can provide direct care on an ongoing basis, a ''medical home.'' Health care services at these sites are provided to VODI's members on a sliding-fee scale. VODI also engages in multiple activities to promote better health care access for the uninsured, including a pharmacy assistance and medication review program, a tobacco use reduction program, and care management services to assist clients with managing their chronic health conditions.

On behalf of the people of Michigan, I am pleased to express appreciation to the Voices of Detroit Initiative for their untiring leadership in coordinating and leveraging scarce resources on behalf of the underserved and uninsured and to honor the organization, its staff, and its partners as they continue to work to fulfill their lifesaving mission.●

TRIBUTE TO MR. WALTER HAMBLIN

● Mr. BUNNING. Madam President, I pay tribute today to the life of Mr. Walter ''Sam'' Hamblin of Demossville, KY.

Sam served his country in the Army for 22 years. He enlisted as a private, but worked his way through Officer Candidate School before retiring with the rank of major. He served with distinction during the Vietnam war and provided important service both at his station in Texas and at the Pentagon in Washington, DC.

Sam chose to retire near his family's home in Kentucky, adopting the farm life and raising his children. Family and service were very important to Sam. Six generations earlier, Pierce Dant Hamblin crossed the Delaware River with General Washington during the Revolutionary War. His great grandfather, Henry Clay Hamblin, served in the Kentucky 7th Regiment during the Civil War. And Sam's father, Walter Hamblin, served in the Navy during World War II. Through the years, the Hamblins have been known as defenders of the Commonwealth.

During Sam's retirement—and in between attending local sporting events and taking care of his growing family—he continued to travel to Washington and lend his expertise to the American military. He was also the manager and owner of the Peaselburg Inn of Covington. And he still found time to write country music songs with his son, Samuel.

Unforunately, Sam developed thyroid and throat cancer 5 years ago. After fighting hard against cancer, Sam died Friday, July 23, 2004 at his home.

I am proud of Sam Hamblin's distinguished service. He honored the legacy and traditions of the Hamblin family and served our country well. My thoughts and prayers are with his family.●

AMERICAN LEGION OF OSAGE, IA

● Mr. HARKIN. Madam President, I would like to pay special tribute to the American Legion Auxiliary Unit 278 of Osage, IA. On Sunday, April 18, the American Legion, the Auxiliary, and SAL held one of their ''famous omelet'' breakfasts for a fundraiser to support the Osage High School Band's trip to Washington, DC on May 29. The Osage band was chosen to represent Iowa in the parade at the dedication of the new World War II Memorial.

It was necessary for the band to raise $65,000 so that all members could participate in this great event. The American Legion Family of Osage agreed to host a breakfast and to match funds that were raised that day. A number of Legion members cooked meals, with band members serving the food. In all, over 300 people were served.

The American Legion was proud to present a check in the amount of $2,400.00 to band director Jeff Kirkpatrick at their regular monthly meeting on Wednesday, April 20.

I join State Commander John Ross in congratulating his hometown band for being chosen to represent Iowa. Along with the Osage Legion family, I salute the community, the band, and all who helped in any way to make this trip possible.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under authority of the order of the Senate of September 7, 2004, the Secretary of the Senate, on September 7, 2004, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 5005. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2004, for additional disaster assistance.

Under the authority of order of September 7, 2004, the enrolled bill was signed by the President pro tempore (Mr. STEVENS) during the adjournment of the Senate on September 7, 2004.

MESSAGE FROM THE HOUSE

At 4:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4381. An act to designate the facility of the United States Postal Service located at 2811 Springdale Avenue in Springdale, Arkansas, as the ''Harvey and Bernice Jones Post Office Building''.

H.R. 4442. An act to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the ''Guardians of Freedom Memorial Post Office Building'' and to authorize the installation of a plaque at such site, and for other purposes.

H.R. 4556. An act to designate the facility of the United States Postal Service located at 1115 South Clinton Avenue in Dunn, North Carolina, as the ''General William Carey Lee Post Office Building''.

H.R. 4618. An act to designate the facility of the United States Postal Service located at 10 West Prospect Street in Nanuet, New York, as the ''Anthony I. Lombardi Memorial Post Office Building''.

H.R. 4654. An act to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2007, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4381. An act to designate the facility of the United States Postal Service located at 2811 Springdale Avenue in Springdale, Arkansas, as the ''Harvey and Bernice Jones Post Office Building''; to the Committee on Governmental Affairs.

H.R. 4442. An act to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the ''Guardians of Freedom Memorial Post Office Building'' and to authorize the installation of a plaque at such site, and for other purposes; to the Committee on Governmental Affairs.

H.R. 4556. An act to designate the facility of the United States Postal Service located at 1115 South Clinton Avenue in Dunn, North Carolina, as the ''General William Carey Lee Post Office Building''; to the Committee on Governmental Affairs.

H.R. 4618. An act to designate the facility of the United States Postal Service located at 10 West Prospect Street in Nanuet, New York, as the ''Anthony I. Lombardi Memorial Post Office Building''; to the Committee on Governmental Affairs.

H.R. 4654. An act to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2007, and for other purposes; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2774. A bill to implement the recommendations of the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8879. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to authorize the addition of approximately 64,000 acres of land in the Rouge River-Siskiyou National Forest in the State of Oregon; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8880. A communication from the Director, Regulatory Review Group, Farm Service Agency, transmitting, pursuant to law, the report of a rule entitled ''Guaranteed Loans - Rescheduling Terms and Loan Subordinations'' (RIN0560-AG53) received on August 18, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8881. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Part 36 Exempt Commercial Markets'' received on August 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8882. A communication from the Acting Administrator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Beef or Pork with Barbecue Sauce; Revision of Standard'' (RIN0583-AC09) received on August 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8883. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Corrections to Regional Office Information, References to Section 4d(2) and Criteria for CPO Registration Exemption (69 FR 41424, July 9, 2004)'' received on August 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8884. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Eligibility and Scope of Financing; Loan Policies and Operations; General Provisions; Credit and Related Services'' (RIN3052-AC06) received on August 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8885. A communication from the Chief, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law , the report of a rule entitled ''Vehicle and Maximum Excess Shelter Expense Deduction Provisions of P.L. 106-387'' (RIN0584-AD13) received on August 1, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8886. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, a regulatory action entitled ''Vehicle and Maximum Excess Shelter Expense Deduction Provisions of Public Law 106-387''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8887. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report entitled ''Department of Defense Report: FY 2003 Competitive Sourcing Efforts''; to the Committee on Armed Services.

EC–8888. A communication from the Deputy Chief of Naval Operations, Department of Navy, transmitting, pursuant to law, the report of a decision to implement performance by the Most Efficient Organization (MEO) for the Pacific Northwest Facilities Management in Silverdale, WA; to the Committee on Armed Services.

EC–8889. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the authorization of a list of officers to wear the insignia of the grade of rear admiral (lower half); to the Committee on Armed Services.

EC–8890. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense for Public Affairs, Department of Defense, received on August 18, 2004; to the Committee on Armed Services.

EC–8891. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of the Army for Installations and Environment, Department of Defense, received on August 18, 2004; to the Committee on Armed Services.

EC–8892. A communication from the Deputy Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, a report relative to reducing the cost of the Base Operating Support function at March Air Reserve Base (ARB), California; to the Committee on Armed Services.

EC–8893. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a list of officers approved to wear the insignia of major general or brigadier general; to the Committee on Armed Services.

EC–8894. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a list of officers approved to wear the insignia of brigadier general; to the Committee on Armed Services.

EC–8895. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy, designation of acting officer, and nomination for the position of Assistant Secretary of Defense for International Security Policy, Department of Defense, received on July 26, 2004; to the Committee on Armed Services.

EC–8896. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–8897. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law , a report entitled ''Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account''; to the Committee on Armed Services.

EC–8898. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval of the wearing of the insignia of the grade of rear admiral; to the Committee on Armed Services.

EC–8899. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval for a list of officers to wear the insignia of the next higher grade; to the Committee on Armed Services.

EC–8900. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval of the wearing of the insignia of the grade of lieutenant general; to the Committee on Armed Services.

EC–8901. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval of the wearing of the insignia of the grade of lieutenant general; to the Committee on Armed Services.

EC–8902. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval of the wearing of the insignia of the grade of admiral; to the Committee on Armed Services.

EC–8903. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval of the wearing of the insignia of the grade of general; to the Committee on Armed Services.

EC–8904. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval of a list of officers to wear of the insignia of the grade of admiral and vice admiral; to the Committee on Armed Services.

EC–8905. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval of the wearing of the insignia of the grade of vice admiral; to the Committee on Armed Services.

EC–8906. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to security guards' needs; to the Committee on Armed Services.

EC–8907. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Written Assurance of Technical Data Conformity'' (DFARS Case 2003-D104) received on August 6, 2004; to the Committee on Armed Services.

EC–8908. A communication from the Acting Under Secretary of Defense for Acquisition,

Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Defense Acquisition Challenge Program; to the Committee on Armed Services.

EC–8909. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the Group II Mission Computer Replacement Program; to the Committee on Armed Services.

EC–8910. A communication from the Deputy Chief of Naval Operations for Manpower and Personnel, Department of the Navy, transmitting, pursuant to law, a report relative to implementation performance by the Most Efficient Organization (MEO) for Design Engineering at the Puget Sound Naval Shipyard, Detachment Boston; to the Committee on Armed Services.

EC–8911. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Use of FAR Part 12 for Performance-Based Contracting for Services'' (DFARS Case 2003–D111) received on August 6, 2004; to the Committee on Armed Services.

EC–8912. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Information Assurance'' (DFARS Case 2002–D020) received on August 6, 2004; to the Committee on Armed Services.

EC–8913. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Firefighting Services Contracts'' (DFARS Case 2003–D107) received on August 6, 2004; to the Committee on Armed Services.

EC–8914. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Designated Countries—New European Union Members'' (DFARS Case 2004–D006) received on August 6, 2004; to the Committee on Armed Services.

EC–8915. A communication from the Alternate OSD FRLO, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''TRICARE: Individual Case Management Program, Program for Persons with Disabilities, Extended Benefits for Disabled Family Members of Active Duty Service Members, Custodial Care'' (RIN0720–AA78) received on August 11, 2004; to the Committee on Armed Services.

EC–8916. A communication from the Acting Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''31 CFR Part 575, Iraqi Sanctions Regulations; General License No. 1 Under Executive Order'' received on August 18, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8917. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report of the Department's assumption of the licensing responsibility for exports and reexports to Iraq, by virtue of the President's termination of Executive Order 12722 relating to the Iraqi invasion of Kuwait; to the Committee on Banking, Housing, and Urban Affairs.

EC–8918. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, the final report on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC–8919. A communication from the General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled ''Registration of Federal Home Loan Bank Equity Securities'' (RIN3069–AB22) received on August 18, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8920. A communication from the Chief Counsel, Bureau of the Public Debt, Treasury Department, transmitting, pursuant to law, the report of a rule entitled ''31 CFR Parts 351, 359, and 363, Regulations Governing Treasury Securities—New Treasury Direct System'' received on August 18, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8921. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a report relative to the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–8922. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''31 CFR Part 541'' received on July 26, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8923. A communication from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Investment Company Governance, Securities Exchange Commission Investment Company Act Release No. 26520'' (RIN3235–AJ05) received on July 27, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8924. A communication from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''12 CFR Part 229, Regulation CC—Availability of Funds and Collection of Checks'' (Doc. No. R–1176) received on July 27, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8925. A communication from the Assistant General Counsel for Banking and Finance, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Terrorism Risk Insurance Program—Litigation Management'' (RIN1505–AB08) received on July 27, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8926. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 CFR Parts 701 and 790, Organization and Operations of Federal Credit Unions; Description of NCUA'' received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8927. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 CFR Parts 703 and 704; Investment in Exchangeable Collateralized Mortgage Obligations'' received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8928. A communication from the Director, Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled ''Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Consolidation of Asset-Backed Commercial Paper Programs and Other Related Issues'' received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8929. A communication from the Assistant Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Regulation SHO, on Short Sales'' (RIN3235–AJ00) received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8930. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the national emergency declared by Executive Order 13222 of August 17, 2001 to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–8931. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations; 69 FR 34588'' (44 CFR 67) received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8932. A communication from the Acting Executive Director and General Counsel, Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Subcommittee's Annual Inventory Submission; to the Committee on Banking, Housing, and Urban Affairs.

EC–8933. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–8934. A communication from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting, pursuant to law, the annual report on the Resolution Funding Corporation for calendar year 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–8935. A communication from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Requirements for Notification, Evaluation, and Reduction of Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally-Owned Residential Property Being Sold, Conforming Amendments and Corrections'' (RIN2501–AB57) received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8936. A communication from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Extension of Minimum Funding Under the Indian Housing Block Grant Program'' (RIN2577–AC43) received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8937. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Eligibility of Mortgages on Hawaiian Home Lands Insured Under Section 247'' (RIN2502–AH92) received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8938. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''FHA Single Family Mortgage Insurance; Lender Accountability for Appraisals'' (RIN2502-AH78) received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8939. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Equal Participation of Faith-Based Organizations'' (RIN2501-AD03) received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8940. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility; 69 FR 40324'' (Doc. No. FEMA 7835) received on August 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8941. A communication from the Director, Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled ''Fundamental Change in Asset Composition of a Bank'' received on August 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8942. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a determination that allows the Export-Import Bank to provide a guarantee or insurance in support of the sale of defense articles to Colombia upon completion of a 25-day Congressional notification period; to the Committee on Banking, Housing, and Urban Affairs.

EC–8943. A communication from the Secretary of Energy, transmitting, pursuant to law, the Annual Report for the Strategic Petroleum Reserve covering calendar year 2003; to the Committee on Energy and Natural Resources.

EC–8944. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation to clarify the authorities for the use of certain National Park Service properties within Golden Gate National Recreation Area and San Francisco Maritime National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

EC–8945. A communication from the Secretary of the Interior, transmitting, pursuant to law, the 2003 Annual Report for Department of the Interior's Office of Surface Mining Reclamation and Enforcement; to the Committee on Energy and Natural Resources .

EC–8946. A communication from the Executive Director, Advisory Council on Historic Preservation, transmitting, pursuant to law, the report of a rule entitled ''Protection of Historic Properties'' (RIN3010-AA06) received on July 27, 2004; to the Committee on Energy and Natural Resources.

EC–8947. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the California State Tiger Salamander; and Special Rule Exemption for Existing Routine Ranching Activities; Final Rule'' (RIN1018-AI68) received on August 6, 2004; to the Committee on Energy and Natural Resources.

EC–8948. A communication from the Office of the Assistant Secretary for Policy, Management, and Budget, Department of the Interior, transmitting, pursuant to law, a legislative proposal to make revisions to Title II of Public Law 106-248, the Federal Land Transaction Facilitation Act (FLTFA); to the Committee on Energy and Natural Resources.

EC–8949. A communication from the Director, Office of Integrated Analysis and Forecasting, Energy Information Administration, transmitting, pursuant to law, the Administration's report entitled ''Emissions of Greenhouse Gases in the United States, 2000''; to the Committee on Energy and Natural Resources.

EC–8950. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law , the report of a rule entitled ''Kentucky Regulatory Program'' (KY-216-FOR) received on August 6, 2004; to the Committee on Energy and Natural Resources.

EC–8951. A communication from the Secretary of Energy, transmitting, pursuant to law, a letter certifying that groundbreaking for the Depleted Uranium Hexafluoride Conversion facilities at the Paducah Gaseous Diffusion Plant in Kentucky and at the Portsmouth Gaseous Diffusion Plant in Ohio occurred on July 27 and 28, 2004, respectively; to the Committee on Energy and Natural Resources.

EC–8952. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and FY 2005 Rates (CMS-1428-F)'' (RIN0938-AM80) received on August 6, 2004; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2005'' (Rept. No. 108–336).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2005'' (Rept. No. 108–337).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CHAMBLISS:

S. 2778. A bill to amend title 10, United States Code, to provide for the establishment of a unified combatant command for military intelligence, and for other purposes; to the Select Committee on Intelligence.

By Mr. DOMENICI (for himself and Mrs. LINCOLN):

S. 2779. A bill to improve protections for children and to hold States accountable for the orderly and timely placement of children across State lines, and for other purposes; to the Committee on Finance.

By Ms. STABENOW (for herself, Mr. KENNEDY, Mr. ROCKEFELLER, Mr. DAYTON, Mrs. BOXER, Mr. LAUTENBERG, Mr. CORZINE, Mr. HARKIN, Mr. REID, and Mr. LEAHY):

S. 2780. A bill to amend title XVIII of the Social Security Act to stabilize the amount of the medicare part B premium; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 322

At the request of Mr. INOUYE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 322, a bill to amend the Internal Revenue Code of 1986 to exempt certain sightseeing flights from taxes on air transportation.

S. 404

At the request of Mr. BUNNING, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 404, a bill to protect children from exploitive child modeling, and for other purposes.

S. 1087

At the request of Ms. MIKULSKI, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maryland (Mr. SARBANES), the Senator from Washington (Mrs. MURRAY), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1087, a bill to provide for uterine fibroid research and education, and for other purposes.

S. 1194

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1194, a bill to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1717

At the request of Mr. HATCH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1717, a bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stems cells for the treatment of patients and to support peer-reviewed research using such cells.

S. 2268

At the request of Mr. BUNNING, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 2268, a bill to provide for recruiting, training, and deputizing persons for the Federal flight deck officer program.

S. 2278

At the request of Mr. ENSIGN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2278, a bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 3 circuits, and for other purposes.

S. 2299

At the request of Mr. DURBIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2299, a bill to strengthen the national security by encouraging and

assisting in the expansion and improvement of educational programs to meet critical needs at the elementary, secondary, and higher education levels.

S. 2338

At the request of Mr. BOND, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 2338, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 2363

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

S. 2393

At the request of Mr. ROCKEFELLER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2393, a bill to improve aviation security.

S. 2437

At the request of Mr. ENSIGN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2437, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

S. 2526

At the request of Mr. BOND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2568

At the request of Mr. BIDEN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2593

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2593, a bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with access to geriatric assessments and chronic care management, and for other purposes.

S. 2598

At the request of Mr. REID, his name was added as a cosponsor of S. 2598, a bill to protect, conserve, and restore public land administered by the Department of the Interior or the Forest Service and adjacent land through cooperative cost-shared grants to control and mitigate the spread of invasive species, and for other purposes.

S. 2613

At the request of Mr. HAGEL, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2613, a bill to amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, and local public health agencies.

S. 2623

At the request of Mr. SMITH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2623, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a 2-year extension of supplemental security income in fiscal years 2005 through 2007 for refugees, asylees, and certain other humanitarian immigrants.

S. 2671

At the request of Mr. ROCKEFELLER, the names of the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. CORZINE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2671, a bill to extend temporary State fiscal relief, and for other purposes.

S. 2759

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2759, a bill to amend title XXI of the Social Security Act to modify the rules relating to the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes.

S. 2761

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2761, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers, ranchers, and fishermen, and for other purposes.

S. 2762

At the request of Mr. GRASSLEY, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 2762, a bill to encourage the use of indigenous feedstock from the Caribbean Basin region with respect to ethyl alcohol for fuel use.

S. 2774

At the request of Mr. LIEBERMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2774, a bill to implement the recommendations of the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

S.J. RES. 19

At the request of Mr. SPECTER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S.J. Res. 19, a joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy.

S. CON. RES. 119

At the request of Mr. CAMPBELL, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Con. Res. 119, a concurrent resolution recognizing that prevention of suicide is a compelling national priority.

S. CON. RES. 128

At the request of Mr. NELSON of Nebraska, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. Con. Res. 128, a concurrent resolution expressing the sense of Congress regarding the importance of life insurance, and recognizing and supporting National Life Insurance Awareness Month.

S. CON. RES. 133

At the request of Mr. CORZINE, the names of the Senator from Florida (Mr. NELSON) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Con. Res. 133, a concurrent resolution declaring genocide in Darfur, Sudan.

S. RES. 387

At the request of Mr. FEINGOLD, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 387, a resolution commemorating the 40th Anniversary of the Wilderness Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAMBLISS:

S. 2778. A bill to amend title 10, United States Code, to provide for the establishment of a unified combatant command for military intelligence, and for other purposes; to the Select Committee on Intelligence.

Mr. CHAMBLISS. Mr. President, today I am introducing legislation to establish a unified combatant command for military intelligence within the Department of Defense. This bill is designed to complement several other pieces of intelligence reform legislation that have been, or will be introduced, all of which call for the creation of a National Intelligence Director who will oversee our intelligence community and be separate from the position of Director of the Central Intelligence Agency.

The very essence of my bipartisan bill is to bridge the gap between the National Intelligence Director and the array of military intelligence entities that he or she will have to deal with, either through direct budget authority or coordination with to ensure all of our intelligence priorities are being properly resourced. The goal of my bill is to make the National Intelligence Director as effective as possible, ensure our military men and women get the best intelligence possible when they are risking their lives to protect our freedoms, and to better integrate our military and civilian intelligence officials into one team.

Let me explain the rationale for this bill and how it will help strengthen the overall intelligence collection and analysis of the United States.

Currently, there are 15 recognized members of the Intelligence Community, eight of which are in the Department of Defense. The Department of

Defense is not only the largest user of intelligence; it is the largest collector as well. These are realities that won't appreciably change, regardless of how we reform our Intelligence Community.

The centerpiece of almost all intelligence reform legislation is the creation of a National Intelligence Director, as proposed by the 9/11 Commission and endorsed by President Bush. However, I strongly believe that to make the National Intelligence Director really effective and to make our Intelligence Community function more efficiently, quickly, and be more responsive, the vast intelligence elements and capabilities within the military need to be brought together under a single command.

I want to give the National Intelligence Director one point of contact in the military, not eight. I want to give the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and our Unified Commanders one person to turn to for their military intelligence needs. I want the military services to resource and support a unified command for intelligence in the same way they are supporting other functional commands such as our Special Operations Command and the Transportation Command.

Let me highlight some of the main provisions of this bill as they pertain to the responsibilities of the commander of the military intelligence command, especially as they relate to the responsibilities of the National Intelligence Director. This bill specifies that the military intelligence commander will: represent the Department of Defense in the Intelligence Community under the direction of the National Intelligence Director; carry out intelligence collection and analysis activities in response to requests from the National Intelligence Director; prepare and submit to the Secretary of Defense and the National Intelligence Director recommendations and budget proposals for military intelligence forces and activities; establish priorities for military intelligence in harmony with national priorities established by the National Intelligence Director and approved by the President; ensure the interoperability of intelligence sharing within the Department of Defense and within the Intelligence Community as a whole, as directed by the National Intelligence Director, and respond to intelligence requirements levied by the National Intelligence Director.

Let me reiterate that this bill is designed to complement broader legislation creating the National Intelligence Director. I believe that it will make the National Intelligence Director more effective, better represent the needs of our warfighters to the National Intelligence Director, and create synergies and economies of scale within the Department of Defense on intelligence issues. In short, this bill will make our overall Intelligence Community more effective.

The Department of Defense needs to embrace our new intelligence team, headed by the National Intelligence Director, not as eight separate members but as one. I am convinced that creating a unified command for military intelligence will be good for the military, good for the National Intelligence Director, and good for our country.

By Mr. DOMENICI (for himself and Mrs. LINCOLN):

S. 2779. A bill to improve protections for children and to hold States accountable for the orderly and timely placement of children across State lines, and for other purposes; to the Committee on Finance.

Mr. DOMENICI. Mr. President, I rise today with my colleague, Senator LINCOLN, to introduce a bill to improve the Interstate Compact on the Placement of Children.

The Compact is a uniform law that has been enacted by all 50 States, the District of Columbia, and the U.S. Virgin Islands. It establishes orderly procedures for the interstate placement of children and fixes responsibility for those involved in placing the child.

As the father of 8 children myself, I understand that all children deserve and need a safe and supportive environment. The bill I am introducing today will protect the safety of children who are placed across State lines for foster care, adoption, or residential care. This bill will ensure informed placement decisions, including a full exchange of information between sending and receiving States and it will set and enforce specific timelines for the permanent placement of children. The bill will also create Federal incentives to help foster children find safe and permanent homes.

It is estimated that some 20,000 children need to go to another State to find adoptive families. In such cases, safe and stable homes simply cannot be found in the child's State of residence, where they are typically bounced from one foster home to another. The Interstate Compact on the Placement of Children (ICPC) is premised on the belief that children requiring out-of-state placement will receive the same protections and services that would be provided if they remained in their home States. Yet, the median time spent in the foster care system by children in need of out-of-State placements is 43 months; 2 full years longer than the average time spent by an in-state-placed child.

The two primary reasons for an abused and neglected child to move to another State are adoption or foster care placement, typically into the care of relatives. The ICPC establishes uniform legal and administrative procedures governing the interstate placement of children and outlines the many steps necessary to place a child out of state. The ICPC is the best means we have to ensure protection and services to children who are placed across State lines for foster care or adoption. However, the ICPC was drafted 40 years ago, and through no fault of their original authors, has begun to show its age. It has now become outdated and a barrier to the timely placement of children across State lines.

Finding permanent homes for all children must be the highest priority of the foster care system. Children placed out of State need to be assured of the same protections and services that would be provided if they remained in their home States. Circumstances which make interstate placement of children necessary and the types of protections needed, offer compelling reasons for a mechanism which regulates those placements and Congress should expeditiously revise the ICPC to better serve the interests of these children.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Orderly and Timely Interstate Placement of Foster Children Act of 2004''.

SEC. 2. SENSE OF THE CONGRESS.

(a) FINDING.—The Congress finds that the Interstate Compact on the Placement of Children (ICPC) was drafted more than 40 years ago, is outdated, and is a barrier to the timely placement of children across State lines.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the States should expeditiously revise the ICPC to better serve the interests of children and reduce unnecessary work, and that the revision should include—

(1) limiting its applicability to children in foster care under the responsibility of a State, except those seeking placement in a residential facility primarily to access clinical mental health services; and

(2) providing for deadlines for the completion and approval of home studies as set forth in section 4.

SEC. 3. ORDERLY AND TIMELY PROCESS FOR INTERSTATE PLACEMENT OF CHILDREN.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking ''and'' at the end of paragraph (23);

(2) by striking the period at the end of paragraph (24) and inserting ''; and''; and

(3) by adding at the end the following:

''(25) provides that the State shall have in effect procedures for the orderly and timely interstate placement of children; and procedures implemented in accordance with an interstate compact approved by the Secretary, if incorporating the procedures prescribed by paragraph (26), shall be considered to satisfy the requirement of this paragraph.''.

SEC. 4. HOME STUDIES.

(a) ORDERLY PROCESS.—

(1) IN GENERAL.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is further amended—

(A) by striking ''and'' at the end of paragraph (24);

(B) by striking the period at the end of paragraph (25) and inserting ''; and''; and

(C) by adding at the end the following:

''(26) provides that—

''(A) within 60 days after the State receives from another State a request to conduct a study of a home environment for purposes of assessing the appropriateness of placing a child in the home, the State shall, directly or by contract—

''(i) conduct and complete the study; and

''(ii) return to the other State a report on the results of the study, which shall address the extent to which placement in the home would meet the needs of the child;

''(B) the State shall treat any report described in subparagraph (A) that is received from another State (or from a private agency under contract with another State) as meeting any requirements imposed by the State for the completion of a home study before placing a child in the home, unless, within 7 days after receipt of the report, the State determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child; and

''(C) the State shall not impose any restriction on the ability of a State agency administering, or supervising the administration of, a State program operated under a State plan approved under this part to contract with a private agency for the conduct of a home study described in subparagraph (A).''.

(2) SENSE OF THE CONGRESS.—It is the sense of the Congress that each State should—

(A) use private agencies to conduct home studies when doing so is necessary to meet the requirements of section 471(a)(26) of the Social Security Act; and

(B) give full faith and credit to any home study report completed by any other State with respect to the placement of a child in foster care or for adoption.

(b) TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679b) is amended by inserting after section 473A the following:

''SEC. 473B. TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.

''(a) GRANT AUTHORITY.—The Secretary shall make a grant to each State that is a home study incentive-eligible State for a fiscal year in an amount equal to the timely interstate home study incentive payment payable to the State under this section for the fiscal year, which shall be payable in the immediately succeeding fiscal year.

''(b) HOME STUDY INCENTIVE-ELIGIBLE STATE.—A State is a home study incentive-eligible State for a fiscal year if—

''(1) the State has a plan approved under this part for the fiscal year;

''(2) the State is in compliance with subsection (c) for the fiscal year; and

''(3) based on data submitted and verified pursuant to subsection (c), the State has completed a timely interstate home study during the fiscal year.

''(c) DATA REQUIREMENTS.—

''(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary a written report, covering the preceding fiscal year, that specifies—

''(A) the total number of interstate home studies requested by the State with respect to children in foster care under the responsibility of the State, and with respect to each such study, the identity of the other State involved; and

''(B) the total number of timely interstate home studies completed by the State with respect to children in foster care under the responsibility of other States, and with respect to each such study, the identity of the other State involved.

''(2) VERIFICATION OF DATA.—In determining the number of timely interstate home studies to be attributed to a State under this section, the Secretary shall check the data provided by the State under paragraph (1) against complementary data so provided by other States.

''(d) TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection, the timely interstate home study incentive payment payable to a State for a fiscal year shall be $1,000, multiplied by the number of timely interstate home studies attributed to the State under this section during the fiscal year.

''(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of timely interstate home study incentive payments otherwise payable under this section for a fiscal year exceeds the total of the amounts made available pursuant to subsection (h) for the fiscal year, the amount of each such otherwise payable incentive payment shall be reduced by a percentage equal to—

''(A) the total of the amounts so made available; divided by

''(B) the total of such otherwise payable incentive payments.

''(e) 2-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the next fiscal year.

''(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post-adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under sections 423, 434, and 474.

''(g) DEFINITIONS.—In this section:

''(1) HOME STUDY.—The term 'home study' means a study of a home environment, conducted in accordance with applicable requirements of the State in which the home is located, for the purpose of assessing whether placement of a child in the home would be appropriate for the child.

''(2) INTERSTATE HOME STUDY.—The term 'interstate home study' means a home study conducted by a State at the request of another State, to facilitate an adoptive or relative placement in the State.

''(3) TIMELY INTERSTATE HOME STUDY.—The term 'timely interstate home study' means an interstate home study completed by a State if the State provides to the State that requested the study, within 30 days after receipt of the request, a report on the results of the study.

''(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For grants under subsection (a), there are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 2005.

''(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended.''.

(c) REPEALER.—Effective October 1, 2008, section 473B of the Social Security Act is repealed.

SEC. 5. REQUIREMENT TO CHECK CHILD ABUSE REGISTRIES; OPT-OUT ELIMINATED.

Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(1) in subparagraph (A), by striking ''unless an election provided for in subparagraph (B) is made with respect to the State,''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) provides that the State shall—

''(i) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part;

''(ii) comply with any request described in clause (i) that is received from another State; and

''(iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases;''.

SEC. 6. COURTS ALLOWED ACCESS TO THE FEDERAL PARENT LOCATOR SERVICE TO LOCATE PARENTS IN FOSTER CARE OR ADOPTIVE PLACEMENT CASES.

Section 453(c) of the Social Security Act (42 U.S.C. 653(c)) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) any court which has authority with respect to the placement of a child in foster care or for adoption, but only for the purpose of locating a parent of the child.''.

SEC. 7. CASEWORKER VISITS.

(a) PURCHASE OF SERVICES IN INTERSTATE PLACEMENT CASES.—Section 475(5)(A)(ii) of the Social Security Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking ''or of the State in which the child has been placed'' and inserting ''of the State in which the child has been placed, or of a private agency under contract with either such State''.

(b) INCREASED VISITS.—Section 475(5)(A)(ii) of such Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking ''12'' and inserting ''6''.

SEC. 8. HEALTH AND EDUCATION RECORDS.

Section 475 of the Social Security Act (42 U.S.C. 675) is amended—

(1) in paragraph (1)(C)—

(A) by striking ''To the extent available and accessible, the'' and inserting ''The''; and

(B) by inserting ''the most recent information available regarding'' after ''including''; and

(2) in paragraph (5)(D)—

(A) by inserting ''a copy of the record is'' before ''supplied''; and

(B) by inserting '', and is supplied to the child at the time the child leaves foster care if the child is leaving foster care by reason of having attained the age of majority under State law'' before the semicolon.

SEC. 9. RIGHT TO BE HEARD IN FOSTER CARE PROCEEDINGS.

(a) IN GENERAL.—Section 475(5)(G) of the Social Security Act (42 U.S.C. 675(5)(G)) is amended—

(1) by striking ''an opportunity'' and inserting ''a right'';

(2) by striking ''and opportunity'' and inserting ''and right''; and

(3) by striking ''review or hearing'' each place it appears and inserting ''proceeding''.

(b) NOTICE OF PROCEEDING.—Section 438(b) of such Act (42 U.S.C. 638(b)) is amended by inserting ''shall have in effect a rule requiring State courts to notify foster parents, pre-adoptive parents, and relative caregivers of a child in foster care under the responsibility of the State of any proceeding to be held with respect to the child, and'' after ''highest State court''.

SEC. 10. REASONABLE EFFORTS.

(a) IN GENERAL.—Section 471(a)(15)(C) of the Social Security Act (42 U.S.C. 671(a)(15)(C)) is amended by inserting ''(including, if appropriate, through an interstate placement)'' after ''accordance with the permanency plan''.

(b) PERMANENCY HEARING.—Section 471(a)(15)(E)(i) of such Act (42 U.S.C. 671(a)(15)(E)(i)) is amended by inserting '', which considers in-State and out-of-State permanent placement options for the child,'' before ''shall''.

(c) CONCURRENT PLANNING.—Section 471(a)(15)(F) of such Act (42 U.S.C. 671(a)(15)(F)) is amended by inserting '', including identifying appropriate out-of-State relatives and placements'' before ''may''.

SEC. 11. CASE PLANS.

Section 475(1)(E) of the Social Security Act (42 U.S.C. 675(1)(E)) is amended by inserting ''to facilitate orderly and timely interstate placements'' before the period.

SEC. 12. CASE REVIEW SYSTEM.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C) is amended—

(1) by inserting '', in the case of a child who will not be returned to the parent, the hearing shall consider in-State and out-of-State placement options,'' after ''living arrangement''; and

(2) by inserting ''the hearing shall determine'' before ''whether the''.

SEC. 13. USE OF INTERJURISDICTIONAL RESOURCES.

Section 422(b)(12) of the Social Security Act (42 U.S.C. 622(b)(12)) is amended—

(1) by striking ''develop plans for the'' and inserting ''make'';

(2) by inserting ''(including through contracts for the purchase of services)'' after ''resources''; and

(3) by inserting '', and shall eliminate legal barriers,'' before ''to facilitate''.

SEC. 14. GAO STUDY ON CHILD WELFARE BACKGROUND CHECKS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of background checks that are performed for the purpose of determining the appropriateness of placing in a foster or adoptive home a child who is under the custody of a State. The study shall review the policies and practices of States in order to—

(1) identify the most common delays in the background clearance process and where in the process the delays occur;

(2) describe when background checks are initiated;

(3) determine which of local, State, or Federal (such as FBI) background checks are used, how long it takes, on average, for each kind of check to be processed, which crimes or other events are included in each kind of check, how the States differ in classifying the crimes and other events checked, and how the information revealed by the checks is used in determining eligibility to act as a foster or adoptive parent;

(4) examine the barriers child welfare agencies face in accessing criminal background check information;

(5) examine the use of the latest information-sharing technology, including electronic fingerprinting and participation in the Integrated Automated Fingerprinting Information System;

(6) identify the varied uses of such technology for child welfare purposes as opposed to criminal justice purposes; and

(7) recommend best practices that can increase the speed, efficiency, and accuracy of child welfare background checks at all levels of government.

(b) REPORT TO THE CONGRESS.—Within 12 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Ways and Means and on Education and the Workforce of the House of Representatives and the Committees on Finance and on Health, Education, Labor, and Pensions of the Senate a report which contains the results of the study required by subsection (a).

SEC. 15. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on October 1, 2004, and shall apply to payments under parts B and E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part B or E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3577. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table.

SA 3578. Mr. BAUCUS (for himself, Mr. LEVIN, Ms. STABENOW, Mrs. MURRAY, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3579. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3580. Mr. SCHUMER (for himself and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, supra.

SA 3581. Mr. LEAHY (for himself, Mr. NELSON, of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, Mrs. FEINSTEIN, Mr. REID, and Mr. FEINGOLD) proposed an amendment to the bill H.R. 4567, supra.

SA 3582. Mr. THOMAS proposed an amendment to amendment SA 3581 proposed by Mr. LEAHY (for himself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, Mrs. FEINSTEIN, Mr. REID, and Mr. FEINGOLD) to the bill H.R. 4567, supra.

SA 3583. Mr. SPECTER (for himself, Ms. MIKULSKI, Mr. SANTORUM, Mrs. MURRAY, Mr. LUGAR, Mr. KENNEDY, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3584. Mr. LEAHY (for himself, Mr. NELSON, of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, and Mrs. FEINSTEIN) proposed an amendment to amendment SA 3581 proposed by Mr. LEAHY (for himself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, Mrs. FEINSTEIN, Mr. REID, and Mr. FEINGOLD) to the bill H.R. 4567, supra.

SA 3585. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3586. Mr. COCHRAN (for himself and Mr. BYRD) proposed an amendment to the bill H.R. 4567, supra.

SA 3587. Mr. COCHRAN proposed an amendment to the bill H.R. 4567, supra.

SA 3588. Mr. COCHRAN (for himself, Mr. BYRD, and Mr. STEVENS) proposed an amendment to the bill H.R. 4567, supra .

SA 3589. Mr. ALLARD (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3590. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3591. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3592. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

SA 3593. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 4567, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3577. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Amounts appropriated under this Act for expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service shall not be made available unless the Service implements procedures to ensure that, with respect to contracts (including subcontracts) entered into on or after October 1, 2003 with private security firms to provide protective services for federally owned or leased buildings, the terms of such contracts are not modified in a manner that results in a change in benefits for the employees involved unless the employees involved consent to such changes.

SA 3578. Mr. BAUCUS (for himself, Mr. LEVIN, Ms. STABENOW, Mrs. MURRAY, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 515. (a) The total amount appropriated by title II for the Office of the Under Secretary for Border and Transportation Security under the heading ''AIR AND MARINE

INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT'' is hereby increased by $200,000,000. Of such total amount, as so increased, $200,000,000 shall be available for the establishment and operation of air bases in the States of Michigan, Montana, New York, North Dakota, and Washington.

(b) Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking ''March 1, 2005'' and inserting ''June 1, 2005''.

SA 3579. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, lines 17, strike ''$700,000,000'' and insert ''$900,000,000''.

SA 3580. Mr. SCHUMER (for himself and Mr. CORZINE) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 19, strike ''$2,845,081,000'' and all that follows through ''grants;'' on page 20, line 11, and insert the following: ''$2,995,081,000 which shall be allocated as follows:

''(1) $970,000,000 for formula-based grants and $400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided*, That the application for grants shall be made available to states within 45 days after enactment of this Act; that States shall submit applications within 45 days after the grant announcement; and that the Office of State and Local Government Coordination and Preparedness shall act within 15 days after receipt of an application: *Provided further*, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 60 days after the grant award; and

''(2) $1,550,000,000 for discretionary grants for use in high-threat, high-density urban areas, as determined by the Secretary of Homeland Security: *Provided*, That $300,000,000 shall be for port security grants;''.

SA 3581. Mr. LEAHY (for himself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, Mrs. FEINSTEIN, Mr. REID, and Mr. FEINGOLD) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SA 3582. Mr. THOMAS proposed an amendment to amendment SA 3581 proposed by Mr. LEAHY (for himself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, Mrs. FEINSTEIN, Mr. REID, and Mr. FEINGOLD) to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

Strike all after the word ''Sec.'' and insert the following:

____. None of the funds appropriated by this Act may be used to make an award, pursuant to a competition under Office of Management and Budget Circular A–76, to a source for the performance of services that were provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants unless—

(1) the Secretary of Homeland Security submits to Congress, not later than 60 days before making such award, a report that describes—

(A) the performance requirements for the services;

(B) the estimated savings to be derived from the performance of such services by that source;

(C) the actions that are to be taken to effectuate the transition to performance either by Federal Government employees under the applicable most efficient organization plan or by a contractor, as the case may be; and

(D) the strategy for mitigating the adverse effects of such award, if any, on Federal Government employees; and

(2) the making of the award to that source will not result in the closure of an immigration information service center that was in operation on June 1, 2004.

SA 3583. Mr. SPECTER (for himself, Ms. MIKULSKI, Mr. SANTORUM, Mrs. MURRAY, Mr. LUGAR, Mr. KENNEDY, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, between lines 22 and 23, insert the following:

In addition to all amounts appropriated under this heading, $50,000,000 for discretionary assistance to nonprofit organizations (as defined under section 501(c)(3) of the Internal Revenue Code of 1986) determined to be at high risk of international terrorist attack.

SA 3584. Mr. LEAHY (for himself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, and Mrs. FEINSTEIN) proposed an amendment to amendment SA 3581 proposed by Mr. LEAHY (for himself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. JEFFORDS, Mrs. FEINSTEIN, Mr. REID, and Mr. FEINGOLD) to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows;

At the end of the amendment add the following:

SEC. ____. Notwithstanding any other provisions of this Act none of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

This section shall take effect one day after the date of the bill's enactment.

SA 3585. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 515. (a) The Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall—

(1) develop and maintain an integrated strategic transportation security plan; and

(2) base future budget requests on the plan.

(b) The integrated strategic transportation security plan shall—

(1) identify and evaluate the United States transportation assets that need to be protected;

(2) set risk-based priorities for defending the assets identified;

(3) select the most practical and cost-effective ways of defending the assets identified; and

(4) assign transportation security roles and missions to the relevant Federal, State, regional, and local authorities and to the private sector.

(c) The Secretary of Homeland Security shall submit the integrated strategic transportation security plan to Congress not later than February 1, 2005 and shall submit updated plans, including assessments of the progress made on implementation of the plan, on the first day of February each year thereafter. Any part of the plan that involves information that is properly classified under criteria established by Executive order shall be submitted to Congress separately in classified form.

SA 3586. Mr. COCHRAN (for himself and Mr. BYRD) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 11, strike ''*Provided further*'' on line 13 down through and including ''proviso'' on line 23, and insert the following:

''*Provided further*, That the Government Accountability Office shall review, using a methodology deemed appropriate by the Comptroller General, the calendar year 2000 cost information for screening passengers and property pursuant to section 44940(a)(2) of Title 49, United States Code, of air carriers and foreign air carriers engaged in air transportation and intrastate air transportation and report the information within six months of enactment of the Act but no earlier than March 31, 2005, to the Committees on Appropriations of the Senate and House of Representatives and Committee on Commerce, Science, and Transportation: *Provided further*, That the Comptroller General, or any of the Comptroller General's duly authorized representatives, shall have access, for the purpose of reviewing such cost information, to the personnel and to the books;

accounts; documents; papers; records (including electronic records); and automated data and files of such air carriers, airport authorities, and their contractors; that the Comptroller General deems relevant for purposes of reviewing the information sought pursuant to the provisions of the preceding proviso: *Provided further*, That the Comptroller General may obtain and duplicate any such records, documents, working papers, automated data and files, or other information relevant to such reviews without cost to the Comptroller General and the Comptroller General's right of access to such information shall be enforceable pursuant to section 716(c) of Title 31 of the United States Code: *Provided further*, That the Comptroller General shall maintain the same level of confidentiality for information made available under the preceding provisos as that required under section 716(e) of Title 31 of the United States Code: *Provided further*, That upon the request of the Comptroller General, the Secretary of the Department of Homeland Security shall transfer to the Government Accountability Office from appropriations available for administration expenses of the Transportation Security Administration, the amount requested by the Comptroller General, not to exceed $5,000,000, to cover the full costs of any review and report of the calendar year 2000 cost information conducted by the Comptroller General, with 15 days advance notice by the Transportation Security Administration to the Committees on Appropriations of the Senate and House of Representatives: *Provided further*, That the Comptroller General shall credit funds transferred under the authority of the preceding proviso to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the review and report: *Provided further*, That any funds transferred and credited under the authority of the preceding provisos that are not needed for the Comptroller General's performance of such review and report shall be returned to the Department of Homeland Security and credited to the appropriation from which transferred.''.

On page 11, line 25, strike ''audit'' and insert ''review''.

SA 3587. Mr. COCHRAN proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 7, line 3, strike ''General Accounting'' and insert ''Government Accountability''.

SA 3588. Mr. COCHRAN (for himself, Mr. BYRD, and Mr. STEVENS) proposed an amendment to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 37, line 6, strike all after ''(a)'' down through and including ''2005.'' on page 39, line 5 and insert the following:

''None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Computer Assisted Passenger Prescreening System (CAPPS II) or Secure Flight or other follow on/successor programs, that the Transportation Security Administration (TSA) plans to utilize to screen aviation passengers, until the Government Accountability Office has reported to the Committees on Appropriations of the Senate and the House of Representatives that—

(1) a system of due process exists whereby aviation passengers determined to pose a threat and either delayed or prohibited from boarding their scheduled flights by the TSA may appeal such decision and correct erroneous information contained in CAPPS II or Secure Flight or other follow on/successor programs;

(2) the underlying error rate of the government and private data bases that will be used both to establish identity and assign a risk level to a passenger will not produce a large number of false positives that will result in a significant number of passengers being treated mistakenly or security resources being diverted;

(3) the TSA has stress-tested and demonstrated the efficacy and accuracy of all search tools in CAPPS II or Secure Flight or other follow on/successor programs and has demonstrated that CAPPS II or Secure Flight or other follow on/successor programs can make an accurate predictive assessment of those passengers who may constitute a threat to aviation;

(4) the Secretary of Homeland Security has established an internal oversight board to monitor the manner in which CAPPS II or Secure Flight or other follow on/successor programs are being developed and prepared;

(5) the TSA has built in sufficient operational safeguards to reduce the opportunities for abuse;

(6) substantial security measures are in place to protect CAPPS II or Secure Flight or other follow on/successor programs from unauthorized access by hackers or other intruders;

(7) the TSA has adopted policies establishing effective oversight of the use and operation of the system;

(8) there are no specific privacy concerns with the technological architecture of the system; and

(9) the TSA has, pursuant to the requirements of 49 USC 44903 (i)(2)(A), modified CAPPS II or Secure Flight or other follow on/successor programs with respect to intrastate transportation to accommodate States with unique air transportation needs and passengers who might otherwise regularly trigger primary selectee status.

(b) During the testing phase permitted by paragraph (a) of this section, no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a government watch list.

(c) The Government Accountability Office shall submit the report required under paragraph (a) of this section no later than February 15, 2005.''.

SA 3589. Mr. ALLARD (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 515. (a) Not later than 3 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives and to the Committee on Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on the implementation of Homeland Security Presidential Directive Seven.

(b) The report under this section shall include—

(1) the Department's plan and associated timeline for the mapping of the United States critical infrastructure;

(2) an assessment of the resource requirements of relevant States, counties, and local governments so that full participation by those entities may be integrated into the plan;

(3) the Department's plan for oversight of all geospatial information systems management, procurement, and interoperability; and

(4) the timeline for creating the Department-wide Geospatial Information System capability under the direction of the Chief Information Officer.

SA 3590. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 515. CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Section 901(b)(1) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (G) through (P) as subparagraphs (H) through (Q), respectively; and

(2) by inserting after subparagraph (F) the following:

''(G) The Department of Homeland Security.''.

(b) APPOINTMENT OR DESIGNATION OF CFO.—The President shall appoint or designate a Chief Financial Officer of the Department of Homeland Security under the amendment made by subsection (a) by not later than 180 days after the date of the enactment of this Act.

(c) CONTINUED SERVICE OF CURRENT OFFICIAL.—The individual serving as Chief Financial Officer of the Department of Homeland Security immediately before the date of enactment of this Act may continue to serve in that position until the date of the confirmation or designation, as applicable (under section 901(a)(1)(B) of title 31, United States Code), of a successor under the amendment made by subsection (a).

(d) CONFORMING AMENDMENTS.—

(1) HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(A) in section 103 (6 U.S.C. 113)—

(i) in subsection (d) by striking paragraph (4), and redesignating paragraph (5) as paragraph (4);

(ii) by redesignating subsection (e) as subsection (f); and

(iii) by inserting after subsection (d) the following:

''(e) CHIEF FINANCIAL OFFICER.—There shall be in the Department a Chief Financial Officer, as provided in chapter 9 of title 31, United States Code.''; and

(B) in section 702 (6 U.S.C. 342) by striking ''shall report'' and all that follows through the period and inserting ''shall perform functions as specified in chapter 9 of title 31, United States Code.''.

(2) FEMA.—Section 901(b)(2) of title 31, United States Code, is amended by striking subparagraph (B), and by redesignating subparagraphs (C) through (H) as subparagraphs (B) through (G), respectively.

SA 3591. Mr. FITZGERALD submitted an amendment intended to be

proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

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

TITLE VI—DEPARTMENT OF HOMELAND SECURITY FINANCIAL ACCOUNTABILITY

SEC. 601. SHORT TITLE.

This title may be cited as the ''Department of Homeland Security Financial Accountability Act''.

SEC. 602. CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Section 901(b)(1) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (G) through (P) as subparagraphs (H) through (Q), respectively; and

(2) by inserting after subparagraph (F) the following:

''(G) The Department of Homeland Security.''.

(b) APPOINTMENT OR DESIGNATION OF CFO.—The President shall appoint or designate a Chief Financial Officer of the Department of Homeland Security under the amendment made by subsection (a) by not later than 180 days after the date of the enactment of this Act.

(c) CONTINUED SERVICE OF CURRENT OFFICIAL.—The individual serving as Chief Financial Officer of the Department of Homeland Security immediately before the date of enactment of this Act may continue to serve in that position until the date of the confirmation or designation, as applicable (under section 901(a)(1)(B) of title 31, United States Code), of a successor under the amendment made by subsection (a).

(d) CONFORMING AMENDMENTS.—

(1) HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(A) in section 103 (6 U.S.C. 113)—

(i) in subsection (d) by striking paragraph (4), and redesignating paragraph (5) as paragraph (4);

(ii) by redesignating subsection (e) as subsection (f); and

(iii) by inserting after subsection (d) the following:

''(e) CHIEF FINANCIAL OFFICER.—There shall be in the Department a Chief Financial Officer, as provided in chapter 9 of title 31, United States Code.''; and

(B) in section 702 (6 U.S.C. 342) by striking ''shall report'' and all that follows through the period and inserting ''shall perform functions as specified in chapter 9 of title 31, United States Code.''.

(2) FEMA.—Section 901(b)(2) of title 31, United States Code, is amended by striking subparagraph (B), and by redesignating subparagraphs (C) through (H) as subparagraphs (B) through (G), respectively.

SEC. 603. FUNCTIONS OF CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) PERFORMANCE AND ACCOUNTABILITY REPORTS.—Section 3516 of title 31, United States Code, is amended by adding at the end the following:

''(f) The Secretary of Homeland Security—

''(1) shall for each fiscal year submit a performance and accountability report under subsection (a) that incorporates the program performance report under section 1116 of this title for the Department of Homeland Security; and

''(2) shall include in each performance and accountability report an audit opinion of the Department's internal controls over its financial reporting.''.

(b) IMPLEMENTATION OF AUDIT OPINION REQUIREMENT.—The Secretary of Homeland Security shall include audit opinions in performance and accountability reports under section 3516(f) of title 31, United States Code, as amended by subsection (a), only for fiscal years after fiscal year 2004.

(c) ASSERTION OF INTERNAL CONTROLS.—The Secretary of Homeland Security shall include in the performance and accountability report for fiscal year 2004 submitted by the Secretary under section 3516(f) of title 31, United States Code, an assertion of the internal controls that apply to financial reporting by the Department of Homeland Security.

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Homeland Security such sums as are necessary to carry out this title.

SA 3592. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

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

TITLE VI—DEPARTMENT OF HOMELAND SECURITY FINANCIAL ACCOUNTABILITY

SEC. 601. SHORT TITLE.

This title may be cited as ''Department of Homeland Security Financial Accountability Act''.

SEC. 602. FINDINGS.

The Congress finds the following:

(1) Influential financial management leadership is of vital importance to the mission success of the Department of Homeland Security. For this reason, the Chief Financial Officer of the Department must be a key figure in the Department's management.

(2) To provide a sound financial leadership structure, the provisions of law enacted by the Chief Financial Officers Act of 1990 (Public Law 101–576) provide that the Chief Financial Officer of each of the Federal executive departments is to be a Presidential appointee who reports directly to the Secretary of that department on financial management matters. Because the Department of Homeland Security was only recently created, the provisions enacted by that Act must be amended to include the Department within these provisions.

(3) The Department of Homeland Security was created by consolidation of 22 separate Federal agencies, each with its own accounting and financial management system. None of these systems was developed with a view to executing the mission of the Department of Homeland Security to prevent terrorist attacks within the United States, reduce the Nation's vulnerability to terrorism, and minimize the damage and assist in the recovery from terrorist attacks. For these reasons, a strong Chief Financial Officer is needed within the Department both to consolidate financial management operations, and to insure that management control systems are comprehensively designed to achieve the mission and execute the strategy of the Department.

(4) The provisions of law enacted by the Chief Financial Officers Act of 1990 require agency Chief Financial Officers to improve the financial information available to agency managers and the Congress. Those provisions also specify that agency financial management systems must provide for the systematic measurement of performance. In the case of the Department of Homeland Security, therefore, it is vitally important that management control systems be designed with a clear view of a homeland security strategy, including the priorities of the Department in addressing those risks of terrorism deemed most significant based upon a comprehensive assessment of potential threats, vulnerabilities, criticality, and consequences. For this reason, Federal law should be amended to clearly state the responsibilities of the Chief Financial Officer of the Department of Homeland Security to provide management control information, for the benefit of managers within the Department and to help inform the Congress, that permits an assessment of the Department's performance in executing a homeland security strategy.

SEC. 603. CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Section 901(b)(1) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (G) through (P) as subparagraphs (H) through (Q), respectively; and

(2) by inserting after subparagraph (F) the following:

''(G) The Department of Homeland Security.''.

(b) APPOINTMENT OR DESIGNATION OF CFO.—The President shall appoint or designate a Chief Financial Officer of the Department of Homeland Security under the amendment made by subsection (a) by not later than 180 days after the date of the enactment of this Act.

(c) CONTINUED SERVICE OF CURRENT OFFICIAL.—An individual serving as Chief Financial Officer of the Department of Homeland Security immediately before the date of enactment of this Act, or another person who is appointed to replace such an individual in an acting capacity after the date of enactment of this Act, may continue to serve in that position until the date of the confirmation or designation, as applicable (under section 901(a)(1)(B) of title 31, United States Code), of a successor under the amendment made by subsection (a).

(d) CONFORMING AMENDMENTS.—

(1) HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(A) in section 103 (6 U.S.C. 113)—

(i) in subsection (d) by striking paragraph (4), and redesignating paragraph (5) as paragraph (4);

(ii) by redesignating subsection (e) as subsection (f); and

(iii) by inserting after subsection (d) the following:

''(e) CHIEF FINANCIAL OFFICER.—There shall be in the Department a Chief Financial Officer, as provided in chapter 9 of title 31, United States Code.''; and

(B) in section 702 (6 U.S.C. 342) by striking ''shall report'' and all that follows through the period and inserting ''shall perform functions as specified in chapter 9 of title 31, United States Code, and, with respect to all such functions and other responsibilities that may be assigned to the Chief Financial Officer from time to time, shall also report to the Under Secretary for Management.''.

(2) FEMA.—Section 901(b)(2) of title 31, United States Code, is amended by striking subparagraph (B), and by redesignating subparagraphs (C) through (H) in order as subparagraphs (B) through (G).

SEC. 604. FUNCTIONS OF CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) PERFORMANCE AND ACCOUNTABILITY REPORTS.—Section 3516 of title 31, United States Code, is amended by adding at the end the following:

''(f) The Secretary of Homeland Security—

''(1) shall for each fiscal year submit a performance and accountability report under subsection (a) that incorporates the program performance report under section 1116 of this title for the Department of Homeland Security;

''(2) shall include in each performance and accountability report an audit opinion of the Department's internal controls over its financial reporting; and

''(3) shall design and implement Department-wide management controls that—

''(A) reflect the most recent homeland security strategy developed pursuant to section 874(b)(2) of the Homeland Security Act of 2002; and

''(B) permit assessment, by the Congress and by managers within the Department, of the Department's performance in executing such strategy.''.

(b) IMPLEMENTATION OF AUDIT OPINION REQUIREMENT.—The Secretary of Homeland Security shall include audit opinions in performance and accountability reports under section 3516(f) of title 31, United States Code, as amended by subsection (a), only for fiscal years after fiscal year 2005.

(c) ASSERTION OF INTERNAL CONTROLS.—The Secretary of Homeland Security shall include in the performance and accountability report for fiscal year 2005 submitted by the Secretary under section 3516(f) of title 31, United States Code, an assertion of the internal controls that apply to financial reporting by the Department of Homeland Security.

(d) AUDIT OPINIONS OF INTERNAL CONTROLS OVER FINANCIAL REPORTING BY CHIEF FINANCIAL OFFICER AGENCIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chief Financial Officers Council and the President's Council on Integrity and Efficiency established by Executive Order 12805 of May 11, 1992, shall jointly conduct a study of the potential costs and benefits of requiring the agencies listed in section 901(b) of title 31, United States Code, to obtain audit opinions of their internal controls over their financial reporting.

(2) REPORT.—Upon completion of the study under paragraph (1), the Chief Financial Officers Council and the President's Council on Integrity and Efficiency shall promptly submit a report on the results of the study to the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Comptroller General of the United States.

(3) GOVERNMENT ACCOUNTIBILITY OFFICE ANALYSIS.—Not later than 90 days after receiving the report under paragraph (2), the Comptroller General shall perform an analysis of the information provided in the report and report the findings of the analysis to the committees referred to in paragraph (2).

SEC. 605. FUTURE YEARS HOMELAND SECURITY PROGRAM AND HOMELAND SECURITY STRATEGY.

Section 874 of the Homeland Security Act of 2002 (6 U.S.C. 112) is amended by striking subsection (b) and inserting the following:

''(b) CONTENTS.—The Future Years Homeland Security Program under subsection (a) shall—

''(1) include the same type of information, organizational structure, and level of detail as the future years defense program submitted to Congress by the Secretary of Defense under section 221 of title 10, United States Code;

''(2) set forth the homeland security strategy of the Department, which shall be developed and updated as appropriate annually by the Secretary, that was used to develop program planning guidance for the Future Years Homeland Security Program; and

''(3) include an explanation of how the resource allocations included in the Future Years Homeland Security Program correlate to the homeland security strategy set forth under paragraph (2).''.

SEC. 606. ESTABLISHMENT OF OFFICE OF PROGRAM ANALYSIS AND EVALUATION.

Section 702 of the Homeland Security Act of 2002 (6 U.S.C. 342) is amended by—

(1) inserting ''(a) In General.—'' before the first sentence; and

(2) adding at the end the following:

''(b) PROGRAM ANALYSIS AND EVALUATION FUNCTION.—

''(1) ESTABLISHMENT OF OFFICE OF PROGRAM ANALYSIS AND EVALUATION.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall establish an Office of Program Analysis and Evaluation within the Department (in this section referred to as the 'Office').

''(2) RESPONSIBILITIES.—The Office shall perform the following functions:

''(A) Analyze and evaluate plans, programs, and budgets of the Department in relation to United States homeland security objectives, projected threats, vulnerability assessments, estimated costs, resource constraints, and the most recent homeland security strategy developed pursuant to section 874(b)(2).

''(B) Develop and perform analyses and evaluations of alternative plans, programs, personnel levels, and budget submissions for the Department in relation to United States homeland security objectives, projected threats, vulnerability assessments, estimated costs, resource constraints, and the most recent homeland security strategy developed pursuant to section 874(b)(2).

''(C) Establish policies for, and oversee the integration of, the planning, programming, and budgeting system of the Department.

''(D) Review and ensure that the Department meets performance-based budget requirements established by the Office of Management and Budget.

''(E) Provide guidance for, and oversee the development of, the Future Years Homeland Security Program of the Department, as specified under section 874.

''(F) Ensure that the costs of Department programs, including classified programs, are presented accurately and completely.

''(G) Oversee the preparation of the annual performance plan for the Department and the program and performance section of the annual report on program performance for the Department, consistent with sections 1115 and 1116, respectively, of title 31, United States Code.

''(H) Provide leadership in developing and promoting improved analytical tools and methods for analyzing homeland security planning and the allocation of resources.

''(I) Any other responsibilities delegated by the Secretary consistent with an effective program analysis and evaluation function.

''(3) DIRECTOR OF PROGRAM ANALYSIS AND EVALUATION.—There shall be a Director of Program Analysis and Evaluation, who—

''(A) shall be a principal staff assistant to the Chief Financial Officer of the Department for program analysis and evaluation; and

''(B) shall report to an official no lower than the Chief Financial Officer.

''(4) REORGANIZATION.—

''(A) IN GENERAL.—The Secretary may allocate or reallocate the functions of the Office, or discontinue the Office, in accordance with section 872(a).

''(B) EXEMPTION FROM LIMITATIONS.—Section 872(b) shall not apply to any action by the Secretary under this paragraph.''.

SEC. 607. NOTIFICATION REGARDING TRANSFER OR REPROGRAMMING OF FUNDS FOR DEPARTMENT OF HOMELAND SECURITY.

Section 702 of the Homeland Security Act of 2002 (6 U.S.C. 342) is further amended by adding at the end the following:

''(c) NOTIFICATION REGARDING TRANSFER OR REPROGRAMMING OF FUNDS.—In any case in which appropriations available to the Department or any officer of the Department are transferred or reprogrammed and notice of such transfer or reprogramming is submitted to the Congress (including any officer, office, or Committee of the Congress), the Chief Financial Officer of the Department shall simultaneously submit such notice to the Select Committee on Homeland Security (or any successor to the jurisdiction of that committee) and the Committee on Government Reform of the House of Representatives, and to the Committee on Governmental Affairs of the Senate.''.

SA 3593. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 515. Section 702 of the Homeland Security Act of 2002 (6 U.S.C. 342) is amended by striking '', or to another official of the Department, as the Secretary may direct''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing regarding the current status of the Hard Rock Mining Industry in America previously scheduled for Thursday, September 16 before the Committee on Energy and Natural Resources has been postponed until Thursday, September 23, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

For further information, please contact Dick Bouts at 202–224–7545 or Amy Millet at 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ENZI. Mr. President, I ask unanimous consent that Committee on Commerce, Science, and Transportation be authorized to meet on September 8, 2004, at 10 a.m. on NASA: Space Shuttle in SR–253.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ENZI. Mr. President, I ask unanimous consent that Committee on Commerce, Science, and Transportation be authorized to meet on September 8, 2004, at 2:30 p.m. on Spectrum for Public Safety Uses in SR–253.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on

Governmental Affairs be authorized to meet on Wednesday, September 8, 2004, at 10:30 a.m. for a hearing titled ''Building an Agile Intelligence Community to Fight Terrorism and Emerging Threats.''

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

COMMITTEE ON THE JUDICIARY

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, September 8, 2004 at 10:00 a.m. on ''Judiciary Nominations'' in the Dirksen Senate Office Building Room 226.

Witness List

Panel I: Senators.

Panel II: Susan B. Neilson, to be United States Circuit Judge for the Sixth Circuit.

Panel III: Micaela Alvarez, to be United States District Judge for the Southern District of Texas; Keith Starrett, to be United States District Judge for the Southern District of Mississippi; Raymond L. Finch, to be Judge for the District Court of the Virgin Islands for a term of ten years. (Reappointment).

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

MEASURE PLACED ON CALENDAR—S. 2774

Mr. McCONNELL. Madam President, I understand there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 2774) to implement the recommendations of the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

Mr. McCONNELL. Madam President, in order to place the bill on the calendar under rule XIV, I object to further proceedings on this measure.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

ORDERS FOR THURSDAY, SEPTEMBER 9, 2004

Mr. McCONNELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, September 9. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee, and the remaining time under the control of the Democratic leader or his designee; provided that following morning business, the Senate resume consideration of Calendar No. 588, H.R. 4567, the Homeland Security appropriations bill.

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

PROGRAM

Mr. McCONNELL. Madam President, for the information of all Senators, following morning business, the Senate will resume consideration of the Homeland Security appropriations bill. We will continue the amending process tomorrow morning, and Senators should expect rollcall votes throughout the day.

Moments ago, we were able to lock in the final list of amendments, and the chairman and ranking member will continue working through the list tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:47 p.m., adjourned until Thursday, September 9, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 8, 2004:

DEPARTMENT OF DEFENSE

RAYMOND F. DUBOIS, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS, VICE DIANE K. MORALES, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

THOMAS V. SKINNER, OF ILLINOIS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JOHN PETER SUAREZ, RESIGNED.

DEPARTMENT OF STATE

HOWARD J. KRONGARD, OF NEW JERSEY, TO BE INSPECTOR GENERAL, DEPARTMENT OF STATE, VICE CLARK KENT ERVIN.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

DOUGLAS MENARCHIK, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE PATRICK M. CRONIN, RESIGNED.

DEPARTMENT OF STATE

CATHERINE TODD BAILEY, OF KENTUCKY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES MILLER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHAEL M. HARTING, 0000
ANTHONY T. KAUFFMAN, 0000
STEPHAN G. LYON, 0000
ROBERT A. MARASCO, 0000
RICHARD W. MORRIS, 0000
ANTHONY L. ORDNER, 0000
DANIEL G. RAINES, 0000
KIRK J. SAMPSON, 0000
JOEL C. WRIGHT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DANA J. NELSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

WILLIAM E. LINDSEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

To be lieutenant colonel

MARTIN S. FASS, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

JUAN H. BANKS, 0000
THOMAS D. BECKER, 0000
PATRICK S. BELL, 0000
SUSAN M. CEBULA, 0000
CONCECION O. COLON, 0000
MARGARET A. FACENDAMCNEILL, 0000
MARIAM A. HAMIDI, 0000
MARK A. HASKELL, 0000
DEE T. HERRING, 0000
JULIE R. HOLLOBAUGH, 0000
TARA HOWELL, 0000
SHAWN R. KENNEDY, 0000
KYUNG KIM, 0000
PHIL J. KIM, 0000
ERIC J. KUNATH, 0000
TIMOTHY LEE, 0000
KATHERINE H. MARTIN, 0000
ADAM J. MCKISSOCK, 0000
ANNE M. MILLER, 0000
RANDY E. MUCCIOLI, 0000
RONALD E. PRENZEL, 0000
MARK E. RANSCHAERT, 0000
CABALLERO A. RECIO, 0000
HIRBOD ROWSHAN, 0000
JOHN C. SHILLINGBURG, 0000
RYAN L. SNYDER, 0000
JAE Y. SONG, 0000
CHARLES G. STONE, 0000
DERRICK S. TANIHARA, 0000
NATHANIEL D. TRICKER, 0000
DEMETRES WILLIAMS, 0000
MICHAEL H. WU, 0000
ROLF M. WUERCH, 0000
LISA N. YARBROUGH, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOHN M. SESSOMS, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ANDREW M. ARCHILA, 0000
KENNETH J. ARLINGHAUS, 0000
ANTHONY R. ARTINO JR., 0000
DAVID J. BACHAND, 0000
DAVID J. BACON, 0000
TAUSEEF A. BADAR, 0000
ALBERT J. BAINGER, 0000
DAVID G. BAPTISTA, 0000
JOEL R. BEALER, 0000
BARBARA K. BELLMONT, 0000
LYNN R. BINKLEY, 0000
AMY L. BIRTELSMITH, 0000
THOMAS G. BODNOVICH, JR., 0000
RONALD D. BOLING, 0000
THOMAS Z. BOSY, 0000
WAYNE C. BOUCHER, 0000
RODERICK L. BOYCE, 0000
GARY T. BRICE, 0000
REGINALD C. BROWN, 0000
MARY J. BURKES, 0000
MICHAEL J. BUSH, 0000
JEROME T. CAMPBELL II, 0000
ELIZABETH C. CARR, 0000
WILLIAM D. CARROLL, 0000
MATTHEW CASE, 0000
CHERYL C. CASEY, 0000
WAYNE X. CHARDON, 0000
KATRINA A. CHENEVERT, 0000
MARK D. CLARK, 0000
JOSEPH V. COHN, 0000
ESKINDER DAGNACHEW, 0000
JEFFREY A. DAMASCHKE, 0000
RONALD E. DAVID, 0000
ARNEL I. DELAPENA, 0000
GERALD T. DELONG, 0000
MICHAEL D. DIALWARD, 0000
JODY A. DREYER, 0000
JEFFREY R. DUFAULT, 0000
BRYAN S. DUPREE, 0000
PAUL B. DURAND, 0000
SEAN P. EASLEY, 0000

JOHN B. ELLIS, 0000
REYNALDO F. ESPINO, 0000
SAMUEL G. ESPIRITU, 0000
BRIDGETTE M. FABER, 0000
KATHRYN F. FAIR, 0000
PATRICK N. FAIRLEY, 0000
ALFREDO T. FERNANDEZ JR., 0000
BARBARA H. FLETCHER, 0000
SIDNEY G. FOOSHEE, 0000
MATHEW C. GARBER, 0000
EUGENE K. GARLAND, 0000
EDRION R. GAWARAN, 0000
JESSIE GEE, 0000
JEREMY B. GREEN, 0000
DUWAYNE S. GRIEPENTROG, 0000
JESSIE E. GROSS, 0000
SHELLY J. HAKSPIEL, 0000
KAREN R. HALL, 0000
CHRISTOPHER M. HANSEN, 0000
BRANDON W. HARDIN, 0000
DONALD D. HARRIS, 0000
BRIAN C. HATCH, 0000
MICHAEL K. HAYTAIAN JR., 0000
MARC D. HERWITZ, 0000
DAVID C. HICKS, 0000
LINDA M. HILL, 0000
TRACI J. HINDMAN, 0000
JASON J. HOLMES, 0000
WILLIAM J. HUGHES IV, 0000
SANDRA D. JOHNSON, 0000
SEAN R. JUDGE, 0000
GREGORY R. KAHLES, 0000
BRADLEY J. KAROVIC, 0000
MICHAEL J. KEMPER, 0000
CARRIE H. KENNEDY, 0000
MARTIN W. KERR, 0000
JOHN J. KIM, 0000
LINDA G. KIMSEY, 0000
DAVID W. LABRIE, 0000
TODD J. LAUBY, 0000
MARK R. LAUDA, 0000
JOSEPH B. LAWRENCE, 0000
ROBIN M. LEWIS, 0000
MICHAEL D. LIPKE, 0000
ANTONIA LOPEZ, 0000
ARLENE G. LOPEZ, 0000
JAMES LYNCH, 0000
KATHLEEN S. MAAS, 0000
RANDY L. MARTINEZ, 0000
RAYMOND W. MCCLARY III, 0000
HENRY V. MCCRACKING, 0000
RICHARD C. MCCROW, 0000
JAMES D. MCGOWAN, 0000
KEVIN J. MCGOWAN, 0000
FRANCIS V. MCLEAN, 0000
CAROLYN M. MEDINA, 0000
PATRICK G. MELER, 0000
CHRISTOPHER T. MEYER, 0000
DOUGLAS M. MONETTE, 0000
NORMAN K. MOSER, 0000
STEVEN W. NEWELL, 0000
DAVID P. NEWMAN, 0000
ORLANDO J. OLMO, 0000
THOMAS A. OLSON, 0000
GREGORY B OSTRANDER, 0000
NANNETTE M PACO, 0000
CHERYL T PARHAM, 0000
SHERI B PARKER, 0000
RAFAEL C PEREZ, 0000
PHILIP D POLEN, 0000
DANIEL E QUANCE, 0000
DEIDRA M RAMOS, 0000
MARGARET M READ, 0000
BITHIAH R REED, 0000
JAY K RIGSBEE, 0000
LYMON N ROAN, 0000
CHAD E ROE, 0000
JEANETTE D ROSEBERRY, 0000
CELESTE C SANTANA, 0000
KENNETH P SAUSEN, 0000
WILLIAM E SCHALCK, 0000
JON A SELBYG, 0000
STEVEN D SHADLEY, 0000
NIKHIL K SHAH, 0000
MICHAEL D SMITH, 0000
MICHAEL P SMITH, 0000
BEVERLY A SOUTHERLAND, 0000
DONNA M SPORRER, 0000
DOUGLAS E STEPHENS, 0000
JAMES L STILLEY, 0000
TONY J STOCKTON, 0000
ROBERT L SUMTER, 0000
MARGARET A SWANK, 0000
DENNIS A THOMAS, 0000
ENRIQUE S TORRES, 0000
PAUL D TREADWAY, 0000
GERARDO A TUERO, 0000
MARY N VIETEN, 0000
WADE A WALLACE, 0000
JOHNATHAN E WARE, 0000
KEVIN R WILLIAMS, 0000
LUZ J WILSON, 0000
CHARLES R J WOODRUFF, 0000
MARC T YOUNG, 0000
RICHARD G ZEBER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RAY A BAILEY, 0000
DANIEL C BERTEAU, 0000
BERNARD A BEZY, 0000
MICHAEL D BROWN, 0000
MARC G DICONTI, 0000
KIM M DONAHUE, 0000
CHRISTOPHER S FRONK, 0000
GLENDA J HARRISON, 0000
CHARLES E HODGES, 0000
ERIC R HOOG, 0000
JAMES L JOHNSON, 0000
JOHN A KALANTZIS, 0000
DORAN T KELVINGTON, 0000
JOSEPH KOCH, 0000
ALAN W LENZ, 0000
VICTOR E MCINNIS, 0000
BARRY A METZGER, 0000
EMILE G MOURED, 0000
STEVEN T ORREN, 0000
CLINTON A PICKETT III, 0000
DAVID A SHIRK, 0000
DAVID A STROUD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RAYMOND ALEXANDER, 0000
ERNESTO C ANDRADA JR., 0000
JULIUS U ARNETTE, 0000
MARK I AXINTO, 0000
SUSAN L AYERS, 0000
BABAK A BARAKAT, 0000
KENNETH C BARRETT, 0000
NATHAN B BEGLEY, 0000
LESLIE S BELTZ, 0000
PATRICK C BLAKE, 0000
WILLIAM D BOOTH, 0000
CHARLES R BULL JR., 0000
DAVID D CARNAL, 0000
JOHN J CHEN, 0000
GEORGE W CLARK III, 0000
COREY A COOK, 0000
DAVID H CORNELIUS JR., 0000
KRISTIAN M DORAN, 0000
PAUL B DOUGHERTY, 0000
DAVID E DOYLE, 0000
CHARLES W DUNPHY JR., 0000
CHARLES DWY, 0000
MARK M ESTES, 0000
GEORGE C ESTRADA, 0000
HEIDI R FEARON, 0000
KEITH A FREESE, 0000
MARK T GALIANO, 0000
NICOLA M GATHRIGHT, 0000
THOMAS W GREEN, 0000
MICHAEL E GROSS, 0000
KEITH J GUILLORY, 0000
FERNANDO HARRIS, 0000
FERDINAND C HERRERA, 0000
MICHAEL W HERYFORD, 0000
MATTHEW D HOLMAN, 0000
ROY S HORNBACK, 0000
PRUDENCE Y HOWARD, 0000
MOONI JAFAR, 0000
CHRISTOPHER L JAMES, 0000
JEFFREY H JEFFERIES, 0000
KEITH W JEFFRIES, 0000
BLAKE W KENT, 0000
JERRY A KING, 0000
KEVIN KLEIN, 0000
JASON E KLINGENBERG, 0000
GREGORY R LASK, 0000
YANFENG LI, 0000
STEVEN L LUNA, 0000
GEOFFREY D LYSTER, 0000
STEVEN J MACDONALD, 0000
BRIAN A MAI, 0000
STEVEN R MARSHALL, 0000
SANTO MCADOO, 0000
JACQUELINE M MEYER, 0000
JACOB W MILLER, 0000
JOAQUIN J MOLINA, 0000
CHARLES R NEU, 0000
TIMOTHY J NICHOLLS, 0000
DANIEL L NORTON, 0000
RICHARD J OTLOWSKI, 0000
EDWARD D PIDGEON, 0000
KRISTIN M PIOTROWSKI, 0000
WADE W RINDY, 0000
DAVID E ROBERTS, 0000
JUAN J RODRIGUEZ, 0000
MICHAEL W ROY, 0000
HARRY M RUSSELL, 0000
NICHOLAS R RUSSO, 0000
ALLEN E SANFORD, 0000
STEVEN K SCHULTZ, 0000
JAMES H STRAUSS, 0000
BRETT M SULLIVAN, 0000
LESLEY N SWINT, 0000
JULIE M TREANOR, 0000
ALSANDRO H TURNER, 0000
ANDREW E TUTTLE, 0000
BRYAN G VANVELDHUIZEN, 0000
BRAD W VETTING, 0000
BRIAN J VOSBERG, 0000
JAMES J WALLS, 0000
TODD A WANACK, 0000
PETER W WARD, 0000
RICHARD H WILHELM, 0000
MICHELLE D WINEGARDNER, 0000
ANTHONY D YANERO, 0000
MICHAEL YORK, 0000
MARK A ZIEGLER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

STEVEN W ASHTON, 0000
THOMAS M BESTAFKA, 0000
ABRAXAS J CATALANOTTE, 0000
ROBERT M COHEN, 0000
ANDRE L COLEMAN, 0000
ANTHONY M CONLEY, 0000
JORGE L CONTRERAS, 0000
TITANIA B CROSS, 0000
EILEEN J DANDREA, 0000
ISABELLE E DETTER, 0000
JEFFREY C DEVINEY, 0000
MICHAEL D DYSART, 0000
SABRINA G FREGLY, 0000
CAMERON J GEERTSEMA, 0000
DONALD L GEORGE JR., 0000
JOSEPH L GREESON, 0000
DARREN R HALE, 0000
TROY D HAMILTON, 0000
DEAN L HANSEN, 0000
KENT B HARRISON, 0000
CHRISTOPHER M HODRICK, 0000
DAVID I KANG, 0000
SCOTT R KING, 0000
SCOTT M KOSNICK, 0000
MICHAEL J LAGARDE, 0000
TIMOTHY G LAMB, 0000
BRIAN T LINDOERFER, 0000
YVONNE R LYDA, 0000
CHRISTOPHER A MARTINO, 0000
STEVEN J MAURO, 0000
MATTHEW MCCANN, 0000
JEFFREY E MCCOY, 0000
TIM H MIN, 0000
SUZANNE B MONTGOMERY, 0000
THOMAS M MOSKAL, 0000
BRIAN E NOTTINGHAM, 0000
ANANT R PATEL, 0000
ROGER L PIRKOLA, 0000
AVONNA S RAMSEY, 0000
DARRELL A REYNARD, 0000
ERIN H SANDERS, 0000
JOEL K SENSENIG, 0000
GREGG R SHIPP, 0000
JAMES A SINCLAIR, 0000
KEMIT W SPEARS, 0000
STEVEN J STASICK, 0000
ALLEN R SULLIVAN, 0000
ANDREW J SULLIVAN, 0000
CHRISTOPHER R VIA, 0000
BURR M VOGEL, 0000
JAMES R WATTS, 0000
JASON D ZEDA, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

TAMMERA L ACKISS, 0000
PAUL R ALLEN, 0000
DANIEL ANTHONY, 0000
JACOB ARMIJO, 0000
LAUREN E BEALL, 0000
ANTHONY V BEER, 0000
JUANITA B BELISO, 0000
RENE A BELMARES, 0000
JOHN O BENNETT, 0000
MONICA E BRADFORD, 0000
DONNA N BRADLEY, 0000
LISA A BRAUN, 0000
THOMAS R BROADWAY JR., 0000
KRISTEN L BROOM, 0000
ANNE M BROWN, 0000
CHRISTOPHER J BURFORD, 0000
KEVIN P BUSS, 0000
PETER D CHAREST, 0000
PATRICIA J CHRISTIAN, 0000
JUDITH A CIESLA, 0000
DEBORAH L CODDING, 0000
LANA M COLE, 0000
BILLIE D COLEY, 0000
BRENDA M COLLINS, 0000
JONATHAN W COTTON, 0000
TINA M COX, 0000
ROBYN L CROSS, 0000
HEATHER M CUNIFF, 0000
STACEY L DAWSON, 0000
WILLIAM C DEATON, 0000
GARY T DEEN, 0000
DAVID N DESANTOS, 0000
DEBORAH L DIEHL, 0000
JAMES M DIXON, 0000
NAOMI N DOMINGO, 0000
SUSAN M DOWLING, 0000
JOEL D DULAIGH, 0000
ROBERT H DURANT, 0000
JOHN E ECKENRODE, 0000
THERESA P EVEREST, 0000
CYNTHIA T FERGUSON, 0000
RAYMOND GARAY, 0000
CHRISTOPHER C GILLETTE, 0000
KEITH J GOLDSTON, 0000
MIKE G GONZALEZ, 0000
MARY G GRACIA, 0000
MARY F GREER, 0000
HARRY W HAMILTON, 0000
CHARLES S HARTUNG, 0000
JERRY R HAYWALD, 0000
JOSE A HERNANDEZ, 0000
JOHN W HICKS, 0000
STEPHANIE M HIGGINS, 0000
JOHNNIE M HOLMES, 0000
JULIE A HOOVER, 0000
LONNIE S HOSEA, 0000
JEFFREY L HUFF, 0000
IRENE G IRBY, 0000
NANCY J JOHNSON, 0000
CELESTINE D JOHNSONGARDNER, 0000
TERESA M KRONENBERGER, 0000

LARRY L LABOSSIERE, 0000
MARCI C LABOSSIERE, 0000
CHRISTINE M LANGAN, 0000
CHRISTINE B LARSON, 0000
CINDY L LASWELL, 0000
JENNIFER D LETTERMAN, 0000
ANDREA LLOYD, 0000
PAUL A LOESCHE, 0000
EDDIE LOPEZ, 0000
JILL M MACMILLAN, 0000
KARI L MARTIN, 0000
KATHY L MCCALL, 0000
EUGENE A MCGOUGH, 0000
MARLON S MEDINA, 0000
SCOTT J MESSMER, 0000
JAMES W MICKEY, 0000
TERESA T MILLER, 0000
JOHN A MORGAN, 0000
SHANNON R MUEHE, 0000
MICHELE L MURRAY, 0000
RICHARD A MYERS, 0000
KRISTY L NEWTON, 0000
HEATHER C NOHR, 0000
MARIA M NORBECK, 0000
KENNETH J OAKES, 0000
CATHERINE L OCONNOR, 0000
MARTIN OCONNOR, 0000
SHEILA F OLEARY, 0000
CHRISTOPHER OUDEKERK, 0000
KENNETH D PACE, 0000
BOYD F PADFIELD, 0000
MELINDA D PAGLIARINI, 0000
STEVEN J PARKS, 0000
JUSTICE M PARROTT, 0000
SARA S PICKETT, 0000
JOHN C PROFERA, 0000
ALBIN S QUIKO, 0000
BELINDA A RAND, 0000
GEORGE G REICHERT, 0000
DAVID C REITER, 0000
VANESSA D RICHARDS, 0000
GREGORY D RILEY, 0000
TONY J ROSALES, 0000
REGINALD T RUSSELL, 0000
JIMMY L RYALS, 0000
ROBERTO SANJUAN, 0000
JEANNE M SARMIENTO, 0000
BETH A SAULS, 0000
ELIZABETH K SAYRE, 0000
CARY T SCHULTZ, 0000
THECLY H SCOTT, 0000
GRACE K SEABROOK, 0000
STEVEN R SHINDLER, 0000
KATHALEEN L SIKES, 0000
TANYA B SINCLAIR, 0000
KURT D SMILEY, 0000
CAROL A SMITH, 0000
SCOTT M SONDGERATH, 0000
STUART E SQUIRE, 0000
KIMBERLY M STACK, 0000
RHONDA K STELL, 0000
BARBARA A SULFARO, 0000
MARY C SUTTON, 0000
TINA F SYLVE, 0000
JOSEPH L TAYLOR, 0000
DAVID V D THOMAS, 0000
PATRICK O TURPIN, 0000
WILLIAM L WALTERS, 0000
KURTT H WALTON, 0000
TAMMY L WEINZATL, 0000
BARBARA C WHITESIDE, 0000
DAVID L WHITLEY, 0000
JOHNNETTA N WIDER, 0000
ANN WILLIAMS, 0000
CYNTHIA A WILSON, 0000
AMY E WOOTTEN, 0000
FELICIA B WRAY, 0000
STEVEN T YADEN, 0000
KATHLEEN L YUHAS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

IK J AHN, 0000
MANUEL F ALSINA, 0000
DAVID A AUSTIN, 0000
KATHERINE C AUSTIN, 0000
KENNETH R AUSTIN, 0000
FRANK O AXELSEN, 0000
REBECCA L BACZUK, 0000
ALFREDO E BAKER, 0000
SALVATORE K BAVUSO, 0000
DAVID S BAYLEY, 0000
SANDRA M BENDER, 0000
DAVID B BENSON, 0000
ANTHONY A BENTLEY, 0000
KYLE R BERRY, 0000
JONATHAN L BINGHAM, 0000
ROBIN L BIRD, 0000
RON A BIRNBAUM, 0000
ANTHONY C BOGANEY, 0000
GRANT H BONAVIA, 0000
RACHEL BOOTH, 0000
DAVID M BRETT, 0000
MARK F BRODIE, 0000
JOHN S BROOKS, 0000
WILLIAM M BROWN, 0000
CAROL A T BROWNING, 0000
ERIC P BRUMWELL, 0000
CASEY J BURG, 0000
ALEXANDER I BUSTAMANTE, 0000
DOUGLAS H BUXTON, 0000
JAMES E CALLAN, 0000
DAVID W CALLAWAY, 0000
ERIC S CAMPENOT, 0000
RICHARD C CAMPIN, 0000
NICOLE L CARLSON, 0000
CHRISTOPHER CARR, 0000
RUSSELL B CARR, 0000
MEREDITH L CARTER, 0000
HENRY F CASEY III, 0000
THERESA L CASTRO, 0000
RICHARD A CATHERINA, 0000
CHUN W CHEN, 0000
ALFREDMY G CHESSOR, 0000
NANCY CHUROSH, 0000
SUSAN C CLARK, 0000
EMILY E COLE, 0000
MICHAEL H CONN, 0000
WILLIAM T CONNELL, 0000
CHRISTOPHER M COOPER, 0000
MICHAEL A COSGROVE, 0000
MARY H CURRIER, 0000
NANA E K DADSON, 0000
HUGH M DAINER, 0000
DAVID C DANISH, 0000
JOHN M DAVIS, 0000
LISA A DAVIS, 0000
MARK L DEARDEN, 0000
RUBEN DELPILAR, 0000
STEPHANIE M DENNIS, 0000
ALTA J DEROO, 0000
CHRISTOPHER B DEWING, 0000
COLIN C DIRCKS, 0000
CHRISTOPHER K DOLAN, 0000
ANTHONY H DONALDSON, 0000
HARLAN F DOREY, 0000
CHRISTOPHER A DUPLESSIS, 0000
MATTHEW K EASTMAN, 0000
BRIAN L FELDMAN, 0000
ERIN A FELGER, 0000
BENJAMIN P FISCHER, 0000
STEPHEN L FISCHER, 0000
KANTI R FORD, 0000
MARC A FRANZOS, 0000
KEVIN M FRENCH, 0000
LAURIE B FRUEH, 0000
ROGER M GALINDO, 0000
STEVEN J GAUERKE, 0000
JONATHAN M GIBBONS, 0000
JONATHAN E GILHOOLY, 0000
TODD D GLEESON, 0000
ELIZABETH M GOMEZ, 0000
ROBERT H GOODWIN, 0000
ELIZABETH A GRAY, 0000
SAMANTHA GRILLO, 0000
JAMES R GRIMES, 0000
RICHARD S HAMILTON, 0000
ERIC B HARRIS, 0000
WILLIAM A HAUG, 0000
CAROL P HEALY, 0000
DAVID A HENSLEY, 0000
JASON D HIGGINSON, 0000
TAMMY N HILL, 0000
THIEUHA T HOANG, 0000
TUAN Q HOANG, 0000
KERRY J HOLLENBECK, 0000
JARROD P HOLMES, 0000
AMY S HUBERT, 0000
JENNIFER J HUMPHREY, 0000
CHRISANNA JOHNSON, 0000
DAVID P JOHNSON, 0000
MICHAEL L JULIANO, 0000
DAVID M JUNKER, 0000
JINU P KAMDAR, 0000
HENRY S KANE, 0000
JEFFREY P KECK, 0000
GEOFFREY S KEENAN, 0000
DARREN B KELLER, 0000
CHANG H KIM, 0000
JEONG H KIM, 0000
JOHN C KIM, 0000
SANDRA L KIMMER, 0000
MICHAEL S KONG, 0000
DAVID J KRAUSE, 0000
KERRY C LATCH, 0000
ERIC A LAVERY, 0000
GARY A LAWSON, 0000
MIKE H LEE, 0000
MARK J LENART, 0000
KRISTIAN E LEWIS, 0000
MARK D LIGNELL, 0000
MICHAEL E LITTLE, 0000
LANNY F LITTLEJOHN, 0000
EUGENIO LUJAN, 0000
DAVIN R LUNDQUIST, 0000
NAM T LY, 0000
JAMES J LYONS, 0000
NAPOLEON B MAGPANTAY III, 0000
TIMOTHY E MARRA, 0000
RYAN C MAVES, 0000
SEAN P MCBRIDE, 0000
CRAIG M MCCORMICK, 0000
JOHN W MCGRATH, 0000
MICHAEL P MCNALLY, 0000
ROBERT J MEYER, 0000
TIMOTHY J MICKEL, 0000
EDMUND A MILDER, 0000
KYLE D MITCHELL, 0000
LAURA N MODZELEWSKI, 0000
DANIEL P MOLONEY, 0000
KRISTIN L MONTALVO, 0000
EMORI A MOORE, 0000
FREDERICK D MOORE, 0000
MATTHEW J MOORE, 0000
THOMAS G MORIARITY, 0000
JOHN W MORONEY, 0000
MARK M MORTON, 0000
GARY J MULLEN JR., 0000
ENCHANTA L MURPHY, 0000
SANDEEP K NARANG, 0000
GAUTAM S NAYAK, 0000
SONJA F NAZARETH, 0000
KHANH V NGUYEN, 0000
MINH Q NGUYEN, 0000
DAVID K NITTA, 0000
CRAIG D NORRIS, 0000
MICHAEL J OAKES, 0000
SEAN P O'BRIEN, 0000
KEVIN M OMEARA, 0000
MICHAEL J ORAS, 0000
MATTHEW E OSBORNE, 0000
ADAM R PACAL, 0000
JAMES K PALMA, 0000
MICHAEL A PARIMUCHA, 0000
CHAN W PARK, 0000
TODD A PARKER, 0000
MARK D PAYSON, 0000
ANDREW J PELCZAR, 0000
LEON PENDERGRAPH, 0000
MICHAEL J PERRY, 0000
SHERI D PIEL, 0000
GIRARD L POIRIER, 0000
KEVIN J POLICKY, 0000
NICHOLAS D POLLARD, 0000
TIMOTHY M POWELL, 0000
RONALD T PURCELL, 0000
CARLOS E QUEZADA, 0000
ALISSA G QUIN, 0000
MATTHEW C RADIMER, 0000
DANIEL A RAKOWSKI, 0000
CRAIG J RANDALL, 0000
QUENTIN P RAY, 0000
AMANDA E RHODES, 0000
BRANDT E RICE, 0000
DARIAN C RICE, 0000
JOHN D RICHARD, 0000
ARNALDO L RIVERA, 0000
LOUIS RIVERA, 0000
ERIN M ROBERTS, 0000
MICHAEL A ROBINSON, 0000
DAVID B ROSENBERG, 0000
HOWARD A RUMJAHN, 0000
LAWRENCE B RYAN, 0000
MARLENE L SANCHEZ, 0000
JOSEPH M SCHNEIDER, 0000
ARTHUR M SCHUELER III, 0000
JASON R SCHUH, 0000
KATHRYN C SELF, 0000
ANDREW J SELLERS, 0000
AMY A SHIPLEY, 0000
BRIAN A SINGLETON, 0000
TRACY T SKIPTON, 0000
MARGUERITE I SLINGLUFF, 0000
BRYAN D SMITH, 0000
JAMES P SMITH, 0000
ANDREA N SNITCHLER, 0000
JUSTIN K SPACKEY, 0000
GEORGE A SPENCER, 0000
MICHAEL T SPOONER, 0000
DAVID M STEVENS, 0000
RICHARD A STOEBNER, 0000
VALERIE S STRANG, 0000
GARRICK L STRIDE, 0000
ERIC D STURGILL, 0000
CHRISTOPHER D SULLIVAN, 0000
MANUEL TANGUMA III, 0000
DONALD P TAYLOR, 0000
DANIELLE A TAYSOM, 0000
RICHARD W TEMPLE, 0000
BRIAN C THOMAS, 0000
JOHN P TRAFELI, 0000
RODNEY W TREGLE, 0000
APRIL A TRUETT, 0000
ROBERT J VANDERBROOK, 0000
ERIC D VINSON, 0000
ROBERT S WAGENAAR, 0000
THAO N WAGNER, 0000
ROBERT N WALTER, 0000
WILLIAM B WARNER, 0000
MATTHEW J WAUSON, 0000
CHRISTOPHER H WAY, 0000
KEDRIC E WEBSTER, 0000
MATTHEW L WEST, 0000
ERIK L WHITE, 0000
LISA M WIEDEL, 0000
TIMOTHY M WILKS, 0000
MARK D WILLIAMS JR., 0000
MELITA J WILLIAMS, 0000
RONALD J WILLY, 0000
SEAN R WISE, 0000
JOON S YUN, 0000
ROBERT A ZALEWSKI, 0000
CHAD T ZEHMS, 0000
GREGORY J ZIMMER, 0000
SARA B ZIMMER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KERRY L ABRAMSON, 0000
JEFFREY P AMES, 0000
MATTHEW L BERAN, 0000
JENNIFER BLAZEWICK, 0000
JOSEPH F CARILLI JR., 0000
CONNER W CHILDERS, 0000
DANIEL CIMMINO, 0000
JUSTIN B CLANCY, 0000
TRACY L CLARK, 0000
PETER C CLEMOW, 0000
ROBERT C DETOLVE, 0000
LAURIN N ESKRIDGE, 0000
TYRONE P FIELDS, 0000
DEANDREA G FULLER, 0000
MARCUS N FULTON, 0000
BRUCE A GRAGERT, 0000
JASON S GROVER, 0000

JOSEPH G HOELZ, 0000
ANDREW R HOUSE, 0000
FRANKIE D HUTCHISON, 0000
DOMINIC J JONES, 0000
ADAM S KANTOR, 0000
BRANDON S KEITH, 0000
GARY S LARSON, 0000
MICHAEL D LAWRENCE, 0000
THOMAS F LEARY, 0000
MICHAEL J LUKEN, 0000
TAMARA L MCCRACKEN, 0000
JONATHAN M MCLEOD, 0000
JAMES A OUELLETTE JR., 0000
TRAVIS J OWENS, 0000
WILLIAM G PERDUE, 0000
MICHELLE M PETTIT, 0000
LIA M REYNOLDS, 0000
AARON C RUGH, 0000
COLLEEN M SHOOK, 0000
VALERIE L SMALL, 0000
SAMUEL A SMITH, 0000
SCOTT A SUOZZI, 0000
ANDRU E WALL, 0000