371 Boeing teammates have been activated for Operation Iraqi Freedom, with many more receiving notice of impending call-up. To stress our commitment, Boeing has extended the benefits we provide these citizen soldiers because we want them to be able to focus on their military mission—with no worry that their families are provided for in the interim. For a period of up to 60 calendar months, we will make up the difference between their military and Boeing pay, plus maintain their medical, dental and life insurance benefits. We have also extended reemployment rights to these talented teammates for up to five years of military service. Boeing's long-standing policy provides these benefits for 90 days.

I am not doing this to blow up Boeing, although I think it is a tremendous gesture. I ask unanimous consent that the letter, in full, be printed in the RECORD.

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

THE BOEING COMPANY,
Arlington, VA.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS: The Boeing Company is honored to have more than 2,000 valued employees who also serve our Nation in the military as members of the National Guard and Reserve. Over the last three years, some 950 Boeing men and women have proudly stepped forward for differing periods of military duty in support of September 11th-related operations. And to date, 371 Boeing teammates have been activated for Operation Iraqi Freedom—with many more receiving notice of impending call-up.

To stress our commitment, Boeing has extended the benefits we provide these citizen soldiers because we want them to be able to focus on their military mission—with no worry that their families are provided for in the interim. For a period of up to 60 calendar months, we will make up the difference between their military and Boeing pay, plus maintain their medical, dental and life insurance benefits. We have also extended reemployment rights to these talented teammates for up to five years of military service. Boeing's long-standing policy provides these benefits for 90 days, with reviews for adjustments depending upon circumstances.

The Boeing Guard and Reserve Network was created to help focus support to these men and women. With membership from employees and senior staff, this network was instrumental in President Bush naming Boeing a winner of the prestigious Employer Support Freedom Award in 2001 for continued support to National Guard and Reserve employees.

Boeing is proud of this leadership role and firmly committed to all our talented men and women called to serve the Nation.

Sincerely,

RUDY F. DE LEON,
Senior Vice President,
Washington, DC Operations.

Mr. STEVENS. This shows much of the problem that the Senator from Illinois has been trying to handle, the problem of people who have been called up who are not regulars. Theirs is a problem that is more acute than those who are in the military and are called up and they have their full military pay continue. The civilian pay of those who have been called up is many times quite a bit in excess of what they get in the military.

We have very complicated problems in a period of the callup cycle we are in right now because our country has called up people for the war on terrorism, called up people for the war in Afghanistan, and are now calling up people for the war in Iraq. Sometimes there have been multiple callups in the same calendar year. It is a very difficult problem to deal with, and I urge the Armed Services Committee to work on it and give us a comprehensive package so we do not have to deal with it in regard to appropriations bills.

That is my point I make now. I prefer that not be the case.

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

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

RECESS

Mr. STEVENS. Madam President, the Secretary of Defense is giving a classified briefing, and I ask unanimous consent that the Senate recess until 3:30.

There being no objection, the Senate, at 2:43 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mrs. DOLE).

SUPPLEMENTAL APPROPRIATIONS ACT TO SUPPORT DEPARTMENT OF DEFENSE OPERATIONS IN IRAQ FOR FISCAL YEAR 2003—Continued

AMENDMENT NO. 435

Mr. STEVENS. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending question is amendment No. 435, by the Senator from Alaska.

Mr. STEVENS. I ask that that may be set aside for the Senator from Nevada.

Mr. REID. Madam President, I debated my amendment. I have an amendment at the desk. I would call that up, ask that it be set aside, and then yield to Senator HOLLINGS.

Mr. STEVENS. Set them both aside, I assume.

AMENDMENT NO. 440

Mr. REID. I ask unanimous consent that the pending amendment be set aside and the clerk report my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for himself, Mrs. CLINTON, Mr. SCHUMER, Mr. LIEBERMAN, and Ms. STABENOW, proposes an amendment numbered 440.

Mr. REID. 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 provide critical funding to safeguard nuclear weapons and nuclear material in the United States and around the world)

On page 18, line 8, strike all that follows through page 20, line 10 and insert the following:

CHAPTER

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATIONS AND MAINTENANCE, GENERAL

For an additional amount for homeland security expenses, for ''Operations and Maintenance, General,'' $29,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for homeland security expenses, for ''Water and Related Resources,'' $25,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for ''Science'' for emergency expenses necessary to support safeguards and security activities, $10,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for ''Weapons Activities'' for emergency expenses necessary to safeguard nuclear weapons and nuclear material, $70,000,000, to remain available until expended: *Provided,* That $30,000,000 of the funds provided shall be available for secure transportation asset activities: *Provided further,* That $40,000,000 of the funds provided shall be available to meet increased safeguards and security needs throughout the nuclear weapons complex, including at least $15,000,000 for cyber security.

NUCLEAR NONPROLIFERATION

For an additional amount for ''Nuclear Nonproliferation'' for emergency expenses necessary to safeguard fissile nuclear material, $300,000,000, to remain available until expended: *Provided,* That $135,000,000 of the funds provided shall be available for the development and deployment of nuclear detectors at mega seaports, in coordination with the Department of Homeland Security Bureau of Customs and Border Protection: *Provided further,* That $40,000,000 of the funds provided shall be available for detection and deterrence of radiological dispersal devices: *Provided further,* That $20,000,000 of the funds provided shall be available for nonproliferation assistance to nations other than the Former Soviet Union: *Provided further,* That $20,000,000 of the funds provided shall be available for nonproliferation forensics and attribution: *Provided further,* That $15,000,000 of the funds provided shall be available for nuclear nonproliferation verification programs, including $2,500,000 for the Caucasus Seismic Network: *Provided further,* That $12,000,000 of the funds provided shall be available for nonproliferation assistance to Russian strategic rocket forces: *Provided further,* That $10,000,000 of the funds provided shall be available for the packaging and disposition of any nuclear material found in

Iraq: *Provided further,* That $10,000,000 of the funds provided shall be available for nuclear material detection materials and devices: *Provided further,* That $10,000,000 of the funds provided shall be available for lower yield nuclear detection: *Provided further,* That $10,000,000 of the funds provided shall be available for nuclear material characterization: *Provided further,* That $5,000,000 of the funds provided shall be available for a radionuclide deployable analysis system: *Provided further,* That $5,000,000 of the funds provided shall be available for U.S. export control nuclear security: *Provided further,* That $5,000,000 of the funds provided shall be available for international export control cooperation activities: *Provided further,* That $2,000,000 of the funds provided shall be available for support of proliferation analyses in post-war Iraq: *Provided further,* That $1,000,000 of the funds provided shall be available for vulnerability assessments of spent nuclear fuel casks.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for ''Defense Environmental Restoration and Waste Management,'' or emergency expenses necessary to support safeguards and security activities at nuclear and other facilities, $15,000,000, to remain available until expended.

DEFENSE FACILITY CLOSURE PROJECTS

For an additional amount for ''Defense Facility Closure Projects'' for emergency expenses necessary to support safeguard and security activities at nuclear and other facilities, $5,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for ''Other Defense Activities,'' $18,000,000, to remain available until expended, for increased safeguards and security of Department of Energy facilities and personnel, including intelligence and counterintelligence activities: *Provided,* That this amount shall be available for transfer to other accounts within the Department of Energy for other expenses necessary to support elevated security conditions 15 days after a notification to the Congress of the proposed transfers.

The PRESIDING OFFICER. Under the previous order, the amendment is set aside.

The Senator from South Carolina.

AMENDMENT NO. 445

Mr. HOLLINGS. Madam President, port security is much like the weather: Everybody talks about it, but we haven't done anything about it. The fact is, we are in a crisis, in an emergency. If anything would respond to an emergency supplemental, port security would.

I just had a word with the distinguished chairman. The chairman believes there are pots of money. I wanted to make sure I wasn't duplicating everything. I have in my hand the particular reported emergency supplemental. On page 20, what we find is the Department of Homeland Security; you have the various items, as you can see, listed beginning at that second paragraph, where they get $1.135 billion. I said: Well, we have $1.135 billion we can get for port security.

Then I looked at the breakdown. The $580 million for the Coast Guard has been spent. The Coast Guard has been waiting on this money. They are deployed in the Gulf. The distinguished Commander in Chief only 2 days ago, in Philadelphia, emphasized what a magnificent job the Coast Guard was doing in the gulf, around the clock, doubling up their effort. So this is for reimbursement of that $580 million.

We have the rest of the year to deal with, and we have an authorization bill trying to deal with it. But that is not the appropriation. I do not think we can wait for an authorization appropriation and then go through the rest of the spring and summer with the Coast Guard unfunded. So that $580 million is not for the Coast Guard for the rest of the year but that is to reimburse it.

Otherwise, the $215 million you see under the $1.135 billion is for terrorism; the $120 million goes to the Transportation Security Administration. That is for aviation, that is the overtime for screeners and everything else of that kind; $65 million of that is for overtime of the Customs and Border Patrol; $10 million is for the Secret Service; $10 million for the vulnerability assessment; and $15 million for emergency support teams. That is just a little over a billion some-odd million, which takes up the amount on page 20 of the Department of Homeland Security.

There are not any pots of money that we can take from. That has been a concern of the Senator from South Carolina. In the past, we spoke with one voice. This is not a partisan amendment whatsoever; 100 Senators, all Republicans and all Democrats, voted for port security. This is only $1 billion of the $2.8 billion that we authorized. We have only had, of that authorized and appropriated, some $93 million that has been released. They are now trying to complete this and compete for $105 million, but then they will run out of money.

Right to the point, we have to join forces together and take care of one of the finest entities you have ever seen.

Let me divert for a second and talk about the ports of America. There are some 365 ports; 55 of those are major ports. We didn't want to rush in last year and just start throwing money at the problem. They have to get a concerted plan for each of the ports, particularly those that have been designated major ports and are subject to serious terrorist action.

We have put the money up. They have completed five ports. They will only complete some six or seven additional, so it will be about nine by the end of the fiscal year under the present circumstance.

That is totally unacceptable. We can't be running around waiting to get through by 2009, planning for port security with al-Qaida, with the terrorists, with the most vulnerable target you could possibly imagine.

Let's go to Philadelphia. Osama bin Laden has 10 vessels, according to Lloyd's of London, and he controls 10 more. He easily knows terrorists who can crew those vessels. It was his ship that went into Mombasa, the port in Kenya, and blew up the embassy at Nairobi and the one at Dar es Salaam in Tanzania. So he knows about ship operations. He is intimate with it. He could easily put his crew in. He could get a shift on a particular ship of Exxon, let's say, going up the Delaware River to the port in Philadelphia, and just before they get there, they can take the crew and captain, throw them overboard, kill them, or whatever, just as they did in New York and at the Pentagon. Then they can blow that ship up at that tank farm in Philadelphia.

We have studied this. The eastern seaboard would close down. I have seen port security war games—there has been a lot of work done on this. This is not just an amendment of the moment. On the contrary, we find out from Booz Allen Hamilton in their particular study—it is too voluminous to have printed in the RECORD at this point—that the eastern seaboard could close down. And what would happen if they would have to close down the stock market and everything else? There would be total chaos just from one particular incident of that kind.

So we know the jeopardy that we experience here. We have to take care of these ports. We also have to take care of the waterway systems such as the Golden Gate Bridge and those other things.

We tried to get $2 billion for 2 years and in the supplemental and budget we just passed, we passed unanimously, $1 billion. This is just what we voted on a week before last, $1 billion.

I know my distinguished chairman is going to say we don't have any money. We have money, come on. Here we are already $232 billion in the red that we borrowed, and that stopped the first week in March. So for the month we have just been saying it is $232 billion public debt to the penny that the Secretary of Treasury puts out. That will go up, up, and away. We will get a kicker here in 14 days with the April 15 tax returns, but then just as we had in 2001, we were in the black on June 1, we passed a tax cut on June 8, and on June 28 we were $50 billion in the red. And by September 10, 2001, it was $99 billion in the red.

Everyone says: Well, 9/11 caused the deficit. No. It is the fact that we have been having voodoo tax cuts that caused the deficit to balloon. The distinguished Presiding Officer of the Senate knows what voodoo is because that is what Vice President George Herbert Walker Bush called President Reagan's tax cuts that were supposed to grow and grow the economy.

You only have to turn to this morning's paper and look at the cartoon to see that with so-called growth, the only thing growing are these deficits. And they are going up, up, and away.

So let's not start getting frugal and careful. Let's do get responsible and vote for the money that gives our ports

a start at security. You have the Coast Guard. You have the Drug Enforcement Administration. You have the Customs. You have the various other entities of the State port administrations. You have the FBI.

We are trying to coordinate them all under the particular plan. It has to be approved by the Transportation Security Administration before any money is disbursed. This is not just sending back grants and that kind of thing—unless and until we can get this money here to help out these local folks.

When I talk about security at the port, let me talk about the actual practice before 9/11. Operators of ports were not concerned with security. It was about No. 10 or 20 on their list of concerns. As a result, the FBI has found that between $12 and $24 billion in theft is going through the ports of America every year. They just added that into the cost of doing business.

The name of the game in port operation is swiftness, speed, expedition; get the cargo in, get it out, don't let it stay on the dock. It costs those ships at the dock $15,000 to $20,000 a day. So they try to compete with each other on speed, and it is a healthy competition.

But now they have to change their attitude—and I don't have any lobbyists looking out for port security. I wish they would hire the airline lobbyists. We gave out $1 billion—just gave the money—$1 billion for airlines. We gave them another $1 billion just for the cost of security. But $1 billion was just because they did not know how to run the airlines.

And now we are going to talk about $1 billion for all the ports of America. I hope I can get the help of the distinguished Senator from Texas. She has a very dangerous situation in Houston. You can come 50 miles up that river, and those gas plants on either side—propane plants and otherwise—you could blow it. And according to these studies by Booz Allen, it blows down the economy for a year. We are playing around with the airlines not having enough business so we give them $1 billion. And we give them another $1 billion for the security.

This particular amendment—which should be bipartisan because this is what we all voted for last year—is just exactly what is needed.

Go to the expenditure of that $1 billion, and it calls for $93 million to remain available until December 31 for the Coast Guard. That is $50 million for port vulnerability. That is the boarding equipment and everything else of that kind with respect to those assessments.

There is $7 million for the purchase of radiation detection equipment. And there is some $36 million for the maritime safety and security teams.

We know every plane that approaches the United States of America. We have alerts, and they respond. But we do not know with respect to the ships themselves.

So we need not only a transponder arrangement, but we have to have at least, at the 12 major ports, the equipment to receive the message. We don't have that. Even if they all had transponders like the aircraft in America, we don't have the equipment within the Coast Guard to identify them.

So this $57 million is for radar coverage of two-thirds of the United States with positioning systems to pick up that broadcast. A third, of course, goes into the internal river system, such as the Mississippi River and everything else for which the Coast Guard is responsible. That is exactly what is needed in the Coast Guard.

I felt bad two days ago when I was watching the President on TV, and the nearest thing we have to port security at the Port of Philadelphia was his Coast Guard jacket. He had all the Coasties standing behind him, but they didn't have any money in their pockets. They were dead broke, I can tell you that right now. If you don't believe it, just read the headline in this morning's Washington Post: ''Traditional Coast Guard Duties Suffer, Study Says.''

> [Admiral] Collins said President Bush's $6.8 billion budget request for the Coast Guard represents a $1.6 billion increase over the agency's initial fiscal 2002 budget. He said that by fiscal 2004, the Coast Guard will have increased its workforce by 4,100 people since Sept. 11, 2001. . . .

But he said:

> I assure you that nothing is more important to the United States Coast Guard than to be ready to perform all of these missions with distinction and with excellence.

I quote from the this particular article:

> After questioning from lawmakers, [Admiral] Collins conceded the 42,000-person Coast Guard has more challenges than resources to meet them. He said some equipment and personnel will have to be diverted from more traditional roles to homeland security efforts, although partnerships with the Navy and foreign governments could help take up the slack.

And they are working on those.

We have had hearings with Admiral Loy, and now with Admiral Collins, and with Commissioner Bonner of the Customs Service. We have gone overseas to try to streamline this issue so that we can actually inspect the cargo and facilitate it when it comes to port here in the United States. And he has worked that out with some 17 ports; that is, Commissioner Bonner. You have to give him credit. We have all been working. We have not just sat around pouting and sucking our thumbs waiting for the money. But here it says:

> Do we have more business than we have resources?

The answer is:

> Yes, Collins said. We are challenged like never before to do all that America wants us to do.
>
> The GAO cataloged a 60 percent decline in Coast Guard hours spent on drug interdiction. . . . [They got] a 38 percent decline in fisheries enforcement. . . .

And I could go on. Madam President, I ask unanimous consent to have the entire article printed in the RECORD.

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

[From the Washington (DC) Post, Apr. 2, 2003]

TRADITIONAL COAST GUARD DUTIES SUFFER, STUDY SAYS

(By Christopher Lee)

Coast Guard efforts to capture drug traffickers and patrol commercial fisheries have suffered as it has turned its focus to homeland security since the Sept. 11, 2001, terrorist attacks, according to a study released yesterday.

The declines uncovered by the General Accounting Office, the congressional watchdog agency, stoked concerns among some lawmakers that the Coast Guard might neglect its old missions as it trains its energy on securing the nation's ports, waterways and coastal areas.

At a hearing yesterday on the Coast Guard's transition to the Department of Homeland Security, which it joined March 1, Rep. Frank LoBiondo (R–N.J.), chairman of a House subcommittee on Coast Guard and maritime transportation, called the GAO report ''thorough and eye-opening.''

''The Coast Guard's traditional missions such as search and rescue, drug and migrant interdiction, pollution prevention, boater safety and fisheries law enforcement must be preserved.'' LoBiondo said.

Adm. Thomas H. Collins, head of the Coast Guard, tried to assure lawmakers that his agency could meet all of its old obligations while ramping up its counterterrorism efforts, such as conducting vulnerability assessments at all of the nation's ports and, more recently, supporting military operations in the Middle East.

''I assure you that nothing is more important to the United States Coast Guard than to be ready to perform all of these missions with distinction and with excellence,'' he testified yesterday.

Collins said President Bush's $6.8 billion budget request for the Coast Guard represents a $1.6 billion increase over the agency's initial fiscal 2002 budget. He said that by fiscal 2004, the Coast Guard will have increased its workforce by 4,100 people since Sept. 11, 2001, and mobilized thousands of reservists. He said Bush has asked for an additional $580 million for the agency in his 2003 supplemental funding request.

After questioning from lawmakers, Collins conceded the 42,000-person Coast Guard has more challenges than resources to meet them. He said some equipment and personnel will have to be diverted from more traditional roles to homeland security efforts, although partnerships with the Navy and foreign governments could help take up the slack.

He also conceded that the Coast Guard is behind schedule in completing its vulnerability assessments of 55 ports.

''Do we have more business than we have resources? Yes, ''Collins said. ''We are challenged like never before to do all that America wants us to do.''

The GAO catalogued a 60 percent decline in Coast Guard hours spent on drug interdiction in the past three months of 2002, compared with the same period in 1998. It also found a 38 percent decline in fisheries enforcement—protecting fishing grounds from foreign encroachment and enforcing domestic fishing laws.

At the same time, the Coast Guard dramatically shifted resources to protect the nation's ports and waterways, including redeployments of search-and-rescue boats for harbor patrols. The Coast Guard devoted 91,000 ''resource hours''—a measurement of

equipment used on missions—to coastal security in the first quarter of fiscal 2002. That was up from 2,400 hours during a similar period in fiscal 1999. The number fell to 37,000 hours during the beginning of fiscal year 2003.

Other areas, such as search-and-rescue efforts and maintaining navigation aids, remained at more or less the same levels as before Sept. 11, 2001, the GAO said.

JayEtta Z. Hecker, the GAO analyst who presented the report, told lawmakers the Coast Guard ''cannot be all things to all people.''

''Even if you give them more money,'' she said, ''the challenge of absorbing more money is such that you cannot naturally solve this.''

Collins agreed with the GAO figures, but said they account for only resource allocation, not results. He noted, for instance that the Coast Guard seized 72.2 tons of cocaine in fiscal 2002, its third-highest yearly total.

''We're getting outcomes and high productivity,'' he said. ''That's efficiency.''

Committee members told Collins they recognized that Congress has heaped new responsibilities on the Coast Guard.

''We're yelling about security and we're saying, 'Keep your traditional roles' at the same time,'' said Rep. Bob Filner (D–Calif.). ''We've put you in a very difficult position.''

Mr. HOLLINGS. So, Madam President, we are not just for ports, and are going to come and get a lot of money, and ride in on an emergency supplemental. We begin with this fact: this is an emergency. We have these folks working around the clock.

And let me continue, before I yield, to make sure that we have outlined exactly what we need the amount for.

Now, there is an additional amount for customs and border protection of $160 million. That is broken down with $110 million for the deployment and installation of port screening equipment. We have $110 million for the radiation detection equipment at U.S. ports. Already, the railroads at the tunnels have that particular radiation equipment. So when it goes into the tunnel, they know, bam, that train has to stop, there is radiation there. We do not have that equipment at ports.

And we get the poor Coast Guard captains at the port, or these young lieutenants in their twenties, with all of this responsibility. If something went awry in one of the ports of America this afternoon, the captain of the port, some 20-year-old lieutenant, would be in charge and be the responsible one. And he has not been given the resources.

Congress has outlined his responsibility in law, but by way of appropriation, they have not given him the help. And he is trying to get the Customs and the DEA, the Ports Authority, the Immigration Service, the sheriff's department, the FBI—he is trying to get them all together.

We have done that, for example. I can show where it has been done in our own backyard. I won't include the entire report in the RECORD, but you can see the particular work involved and the deliberateness now. It is not just to put money in. It is detailed. That is $50 million of the $160 million for the evaluation, implementation, and coordination by the Transportation Security Administration to secure the systems of transportation such as the container security initiative. That container security initiative is exactly what I was talking about. The Commissioner of Customs is already overseas and making arrangements with 17 different ports so far. But then you have for the cargo and employees, the standards, the good conduct, the inspection equipment, the computers and everything else. That fleshes out that particular $160 million. What I just referred to was under the Customs and border protection.

Now to the Transportation Security Administration. For an additional amount of salaries and expenses, it is $680 million, but that is one half of what we authorized. The $600 million will be available for port security grants. It is just like during the Walter Mondale campaign, when he asked, Where is the beef? Well, where is the beef in your port security measure, Senator? I say this is the beef. This is the one thing the ports are really interested in so they can finance the different endeavors going on.

The weekend before last we raised the alert to orange. At that particular time, we had everybody fighting over the same personnel. Secretary Rumsfeld wanted them in Iraq, and my National Guard and my Reserves are gone. My Reserves are in the C–17 field in my own backyard. They have been going since September 12, 2001, around the clock, 8-hour shifts. There are three teams. I have been there to the hangar and visited with them. They have been doing a magnificent job. But they are concerned because some of them are mechanics, security officers, that kind of thing. So the Governor of South Carolina, on this orange alert the week before last, had to get patrol officers to place around the port of Charleston. I saw it myself. That is the kind of strain and stress from the emergency we are in.

But $30 million is for the worker identification card. That was a tough one for us. We worked with the unions on the background checks, and they are ready to move quickly. Now the unions said, you put that in law. You know how it is when they recommend somebody for a judge, then sit another 3 months before the FBI gets around to them. That is the situation here with all of these security personnel. Anybody who enters that secure area has to have a criminal background check. That is the money that is needed there. It is not in the emergency bill.

Otherwise, there is $50 million for the Bureau of Customs and Border Protection to flesh out their Operation Safe Commerce which is the Coast Guard assessment in the Register. The Coast Guard submitted into the Federal Register exactly what it would cost to get these assessments and things going. I ask unanimous consent to print that in the RECORD.

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

Based on this analysis, the first year cost would be approximately $1.4 billion, with costs of approximately Present Value (PV) $6.0 billion over the next 10 years (2003–2012, 7 percent discount rate). The preliminary cost analysis in Appendix C presents the costs in three sections: vessel security, facility security, and port security. The following is a summary of the preliminary cost analysis.

Vessel Security. The first-year cost of purchasing equipment, hiring security officers, and preparing paperwork is approximately $188 million. Following initial implementation, the annual cost is approximately $144 million. Over the next 10 years, the cost would be PV $1.1 billion approximately. The paperwork burden associated with planning would be approximately 140,000 hours in the first year and 7,000 hours in subsequent years.

Facility Security. The first-year cost of purchasing equipment, hiring security officers, and preparing paperwork is an estimated $963 million. Following initial implementation, the annual cost is approximately $535 million. Over the next 10 years, the cost would be PV $4.4 billion approximately. The paperwork burden associated with planning would be approximately 465,000 hours in the first year and 17,000 hours in subsequent years.

Port Security. The first-year cost of establishing Port Security Committees and creating Port Security Plans for all port areas is an estimated $120 million. The second-year cost is approximately $106 million. In subsequent years, the annual cost is approximately $46 million. Over the next 10 years, the cost would be PV $477 million approximately. The paperwork burden associated with planning would be approximately 1,090,000 hours in 2003, 1,278,000 hours in 2004, and 827,000 hours in subsequent years.

Mr. HOLLINGS. You can see this is not going to solve the problem, but it shows an awareness of the Congress of what they have mandated in law. We have required these local communities to do lots of things, and they haven't done anything about it. And we need this money. It is an emergency.

The Senate and the House last year said it would cost $2.8 billion. The Senate just the week before last in the budget resolution said $1 billion at least for this year. And we are trying our best to do that with this particular amendment, just put the money to where the mouth is.

I yield to our distinguished chairman.

The PRESIDING OFFICER. Does the Senator wish to send his amendment to the desk.

Mr. HOLLINGS. I thought the amendment was called up by Senator REID.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 445.

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

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

The amendment is as follows:

At the appropriate place insert the following:

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $93,000,000, to remain available until December 31, 2003, of which not less than $50,000,000 shall be for port vulnerability assessments and the port vulnerability assessment program, and not less than $7,000,000 shall be for the purchase of radiation detection equipment, and not less then $36,000,000 shall be for the establishment of Maritime Safety and Security Teams.

ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction and Improvements'', $57,000,000, to remain available until December 31, 2003, to implement the Automated Identification System and other tracking systems designed to actively track and monitor vessels operating in United States waters.

BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

For an additional amount for ''Customs and Border Protection'', $160,000,000, to remain available until December 31, 2003, of which not less than $110,000,000 shall be for the deployment and installation of portal screening equipment at our Nation's seaports, and of which not less than $50,000,000 shall be for the evaluation and implementation, in coordination with the Transportation Security Administration, to secure systems of transportation such as the Container Security Initiative and the Customs-Trade Partnership Against Terrorism.

TRANSPORTATION SECURITY ADMINISTRATION

For an additional amount for ''Salaries and Expenses'', $680,000,000, to remain available until December 31, 2003, of which not less than $600,000,000 shall be available for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, not less than $30,000,000 shall be for continued development and implementation of the Transportation Worker Identification Card as well as for background checks of transportation workers who work in secure areas or who work with sensitive cargo or information, and not less than $50,000,000 shall be for the evaluation and implementation, in coordination with the Bureau of Customs and Border Protection, of secure system of transportation such as Operations Safe Commerce.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $10,000,000, to remain available until September 30, 2004, for the development of seaport security training programs, and for equipment and personnel to provide training to Federal, State and local law enforcement agencies and, notwithstanding any provision of law, private security personnel performing seaport security functions.

Mr. BYRD. Mr. President, the amendment before the Senate addresses what many experts view as the largest vulnerability in the Nation's defenses here at home. This amendment would direct critical funds to the Nation's seaports.

During the Senate Appropriations Committee's homeland security hearings last year, one witness, Stephen Flynn, noted that the Nation's seaports ''are the only part of an international boundary that the Federal Government invests no money in terms of security. . . . Most ports, the best you get is a chain link fence with maybe some barbed wire.''

Is that comforting?

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

Yet, despite the clear danger, the best port protection the American people have is a chain link fence? It is unfathomable why we have not insisted that this amendment be signed into law months ago.

Last November, the President signed the Maritime Transportation Safety Act. This amendment provides $1 billion to begin addressing these Federal requirements.

Specifically, this amendment provides $600 million in port security grants to begin to assist our seaports in hardening their physical security to comply with the Federal law. Additionally, the authorizing legislation requires that all vessels operating in U.S. waters carry equipment which will allow the Coast Guard to actively track and monitor their movements. This amendment provides $57 million so the Coast Guard can establish a system to track these vessels.

The amendment also addresses other critical port security needs such as providing additional cargo screening equipment for our seaports and funds to expedite the port security assessment program. Funds are also included to establish three additional Coast Guard Maritime Safety and Security Teams for domestic port security needs.

Funding is providing to improve secure systems of cargo transport from the port of departure overseas to the port of arrival in the United States.

The Port of Los Angeles and the Port of Long Beach, each in California, account for 35 percent of the international trade moving into and out of the United States. Port officials estimate that they need $10 million to build a container inspection facility where suspicious packages and freight can be opened and inspected. Similar realities face ports up and down the Atlantic and Pacific seaboards. Last December, the U.S. Coast Guard issued a report stating that the first year cost to implement port security authorizing legislation that the President signed in November would total $1.3 billion and that total costs for the next decade would be $6 billion. But despite the clear danger, and despite the overwhelming vote of approval by Congress to authorize security improvements at our seaports, the dollars have not been forthcoming.

International authorities have linked 20 merchant vessels to Osama bin Laden. Some of the vessels are thought to be owned outright by bin Laden business interests, while others are on long-term charter. The Times of London reported in October 2001 that bin Laden used his ships to import into Kenya the explosives used to destroy the U.S. embassies in Kenya and Tanzania in 1998.

This amendment would make sure that more than a chain link fence is protecting the nation's ports. Children learn to hop a fence at an early age. How hard would it be for a terrorist?

I urge my colleagues to support this amendment.

Mrs. BOXER. Mr. President, I am pleased to co-sponsor the port security amendment offered by Senator Hollings.

In the wake of the terrorist attacks on September 11, ports are struggling with an entirely new set of challenges to protect ports, citizens and the economy from the possible threat of terrorism. This is a huge task.

I was fortunate to be named as a conferee on the port security bill last year. The bill that became law was a good bill.

It will greatly improve security at our Nation's port in light of the challenge following September 11. But only if we provide the money. And so far, we have failed to do so.

I feared this would happen. Many potential funding options were suggested during the conference. But, all of them were rejected by the other body. So, we had no funding source. We had to rely on appropriations. And, we are not providing enough funding for our local ports.

Let me explain why this law is so crucial and why we must fund it with this amendment.

The law creates national and regional maritime transportation/port security plans to be approved by the Coast Guard, including better coordination of Federal, State, local, and private enforcement agencies.

The law mandates the development of regulations to determine secure areas in ports and to limit access to these areas through background checks that will result in a transportation security identification card.

The bill also establishes a grant program for local ports, waterfront facilities operators, and State and local agencies to provide security infrastructure improvements.

But again, there's no money.

Port Security must be a priority.

The Hart-Rudman report was released last October. Their report, ''America Still Unprepared—America Still in Danger,'' discusses the shortcomings in port security. This report

recommends making ''trade security a global priority.''

According to the report, 43 percent of all maritime containers that arrived in the United States in 2001 came through the ports of Los Angeles and Long Beach.

The ports of Los Angeles and Long Beach requested $70 million in post-September 11 security grants. To date, they have received only $6.175 million.

That's just one port. The American Association of Port Authorities estimates the costs of adequate physical security at the Nation's commercial seaports to be $2 billion. Only $92.3 million in Federal grants have been authorized and approved.

We know that last year with the closing of the West Coast ports because of a lockout, the cost to the economy was $1 billion per day for the first five days. Then, the costs increased exponentially. This shows how vital it is for our economy to keep the ports operating.

If there was an incident at any port in the country, all the ports would be closed. This would cost billions and billions per day.

The Hart-Rudman report also says we need to be proactive. We have identified the threat, but we haven't done enough to protect our ports.

This amendment provides $1 billion for port security, including $600 million in grants for local ports.

We cannot leave our homeland unprotected against terrorism. This is why I encourage my colleagues to support this amendment to add more funding for port security.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I am grateful to my friend from South Carolina for the way he has put this amendment. Unfortunately, it is part of a large stream of amendments. If this were the only amendment offered for Coast Guard expenses and to homeland security in addition to this bill, as manager of the bill, I would have no difficulty in dealing with it. But we expect a whole series of amendments during this period.

I want to point out this bill came to us as a defense supplemental for the purpose of meeting the needs of the conduct of three separate war operations. We have a war on terrorism, a war in Afghanistan, and a war going on in Iraq. Of the total that we have coming out on the committee bill, we have $78.7 plus billion. It is really $78,736,600,000. Even Everett Dirksen thought that was a lot of money. But when you look at this, what was asked for, for the total for homeland defense, $4,676,000,000, that is on top of what has already been appropriated for the Department of Homeland Security in the omnibus bill we just passed and what will be appropriated in the fiscal year 2004 that is coming.

I know many people, including myself, believe there should be more money allocated to homeland security. But what should we do? If I were to say I would accept the Senator's amendment, but behind it there is a total of $6.5 billion that I have been told so far dealing with homeland security amendments, another $6.5 billion will lead this bill to being assaulted in the House and severely questioned by the President. We don't have the emergency procedure available. We don't have a budget. So this can't be dubbed an emergency under the Budget Act and just sent downtown and ignored by the President, which is something we have done in the past. This either has to be in the bill or it is not going to be in the bill.

I want the Senator to know, as I have said, we believe there is money here. Requests are going to come at us for purchasing of community-oriented policing policies, interoperable equipment problems, the problem of firefighters and emergency medical service teams in terms of their equipment that is currently not interoperable. We have money I certainly think is needed in terms of the screening equipment and new technology screening at ports. That is another $110 million.

Once you start down this line, you have to ask yourself, why aren't these being raised in the 2004 bill. None of them are going to be spent this year. This isn't money for the immediate emergency. This is money that should be addressed in the 2004 bills. They are still pending out there. We will have this same debate on the 2004 bills. These same amendments will be offered then.

Why don't we wait until then? That is my advice to the Senate. Let's wait. We know these are pending requests. We know many of them are very important, and some of them I shall join in urging we try to get money. But right now we are trying to get money for the President so he can handle these wars. This is not port security. It is not interoperability of equipment. It is not money for Guard and Reserve equipment. It is not money that is going to be spent next year.

(Mr. CORNYN assumed the chair.)

Mr. STEVENS. This is money for this year—not only this year, but within the next 8 weeks it has to be to the armed services. I say to my friend, very respectfully, when the time comes, I am going to have to move to table this amendment, although I hate to do it because I agree with it in many ways. But it is not the only thing coming at us. Every one of these, like another straw on the camel's back, will take more time to deal with in conference with the House and with the President, and meanwhile we don't get the money out there for the troops.

I hope the Senate will stay with us. Let's restrict this bill to the emergencies related to the war effort, and the homeland security money in here is related to the war effort. It is nuclear security, it is a transfer of treasury for homeland security. One of the items is a smallpox amendment which is already in the bill. Those moneys can and will be spent before September 30 of this year. They must be. We don't have an extension on them. They are all money to be spent this year.

This money the Senator seeks is money that could be spent over the next 2, 3 years. Who knows how long it will be before we identify the tracking systems that can track and monitor vessels in U.S. waters that are better equipment than we have now. We have some, but it is not good. We know that. It is not up to date. In particular, I seek to join in trying to check the backgrounds of transportation workers. I would very much like to be involved in finding ways to finance the screening equipment that deals with containers coming into our ports. But this isn't the place to do it.

I told the Senate before this morning—I have asked the Chairman of the Joint Chiefs and the individual service chiefs when this money is needed. They started in early May and continued through June, so this money has to be there. It cannot be there if we get items to continue this bill and carry us into a period beyond the recess we intend to take for Easter. I say respectfully to my friend, it is just not something we can handle.

The administration takes the position that the 2003 bill and 2003 supplemental and the 2004—those are all fiscal years—appropriations bills have started the process of providing money for port security, customs, transportation, law enforcement, domestic preparedness, and other items.

The bill we have in place—the 2003 Appropriations Act—contains the largest increase for Coast Guard in the history of the United States, over $1 billion more than 2002. The Senator from South Carolina and I were partially responsible in that. We joined together in that fight on the omnibus bill. At 2004, the discretionary funding of the Coast Guard will be increased by another billion and a half, another 36 percent over 2002. That will add to the Coast Guard in excess of $2.5 billion for the period of 2004.

Now, we are moving toward these things, but we cannot do them all in this bill, which is designed to be a supplemental for 2003.

By the way, I am very concerned about the container security initiative. The Senator from New York and I have worked on that. We are continuing to try to push and push and push to identify the type of technology that could give us the ability to increase the surveillance on containers as they are placed on ships destined for the U.S. We want to reach out and put them on the foreign ports. We don't have to wait until they are in our ports before we discover things dangerous to us.

I commend the Senator from New York and the Senator from South Carolina for working on this, but we don't need more money now. We need some results, as far as the basic investments in technology. The President's

budget has $375 million in the 2004 budget for just that—initiatives and technology investments, radiation detection, x-ray machines for cargo containers. That is not even available yet. We don't have the state-of-the-art equipment to do what some of these amendments insist we must do—and things I want to do in the long run.

This Senator still represents more than half of the coastline in the United States. Everything we eat and consume and put on our backs comes to us from outside of our State. We are the one State totally dependent upon transportation, particularly marine transportation. I will work night and day with my friend to see we can get there when we develop the technology that we can approve. But we cannot put the money out in front of the technology. I think we have to have more money for assessments, portal monitors, maritime safety, and response teams—I support those—automated identification system, long-term security programs, transportation worker IDs. But these are not wartime-related costs.

We are in three wars at one time. Please, let me ask the Senate to remember that. That is what my job is—to try to get the bill passed as quickly as possible to address wartime-related costs at the request of the President of the United States. That is what I intend to do.

This amendment should not be included in wartime supplemental funding. I regret that when the time comes I shall move to table my friend's amendment. I don't know whether he wants to respond or not. I don't know whether we want to vote at this time or not. A lot of things are going on in the building. I will rely on the leadership. I ask my friend if he wishes me to allow him to respond.

Mr. HOLLINGS. I want to respond.

Right to the point, the distinguished chairman says that, yes, he generally agrees, and he talks knowingly of the importance of the ports and the need for security. He knows because Alaska has coastlines. We have ANWR that we have all been debating. I wish they would read the book on John D. Rockefeller. Rockefeller made his money not on oil, but on the delivery of oil. This is the delivery of ANWR and oil out of Alaska at the Port of Valdez, which has no security whatever. It is a typical port, just like in my hometown, that wasn't interested in port security. But after 9/11 things changed, and we are just bringing them in now and getting those plans promulgated.

Let me emphasize that this was done totally in conjunction with Secretary Mineta and the Transportation Security Administration. Specifically, Admiral Loy was then head of the Coast Guard when he found those needs out. He reaffirms those needs as the Administrator of the Transportation Security Administration.

Now, my distinguished friend talks about things ''wartime related.'' Oh, yes, Iraq is a war, Afghanistan is a war, but here at home is terrorism not a war? What is he talking about? We are responsible for the security and we ran around and did just that—we passed the port security measure 100 to 0 through here, but we didn't put the money behind it. So they haven't had but $93 million distributed out of $29.8 billion that we authorized.

I have served on the Appropriations Subcommittee on Defense for over 30 years. I know about wartime-related expenses. We would not deny in a second the troops in uniform, but the troops out on the line at the ports, at the airports, and different other places in America, we say, well, that is pork, or there just wasn't money back home.

I told you about our Governor. He had to put parole officers around the Port of Charleston last week. That is the way it continues with all these particular ports over America.

This is not a measure to be tabled and say we have other amendments coming. I cannot defend or talk for or against the other amendments coming. I know this particular need. I can tell you here and now, it has been justified by the administration and by Senators, both Republican and Democrat.

We did not say we have all these amendments for the airlines. We just gave them a billion dollars because they did not know how to run an airline. Their troubles were long before 9/11. Many have gone into bankruptcy.

Then we gave them another billion dollars for security, and then we gave them $1.5 billion more to make sure they had $3.5 billion all together, but we will not give money for port security.

Yes, this is going to be spent not in 8 weeks, but in 5½ months. We have the rest of April, May, June, July, August, and September—5½ months. It is not just that the money is not going to be spent. The ports have been waiting for the money. They have been holding on endeavors. This is not just the amendment of the Senator from South Carolina, this is the amendment that should be supported by all for ports in America, but the ports have not learned what the airlines have learned. I am going to try to get them on the line and see if they can't hire the airline lobbyists where they get $3.5 billion for not knowing how to run an airline, and yet when I come forward with this amendment, the Senator says: We have some other amendments coming and, therefore, I do not want to approve this amendment. He says he is going to have to table this one. In other words, we are on a course to table all amendments.

The Senator says this bill is for wartime-related items. The war started on 9/11, the terrorism war, and that is just as serious a war as anything going on in Afghanistan or in Iraq. We just do not have uniforms, and we have taken those frontline troops and have sent them to Iraq. The policemen, the firemen, the Reserve officers, the National Guard—we have drained them all for Iraq, and then all of a sudden act like there is not a terrorism war.

The Senator says this is a wartime-related Defense supplemental. That is what I am talking about: Money to be expended on defense, on home security defense, that we are all worried about, and we act like it is not important at all; that it is just some domestic program we can get to later on. I wish I had a ship. I would run it up some river and blow it up and wake this crowd up, and then the money would come. But right now we have a system where the chairman—I can't even get anybody on the floor, the chairman has told them to stay off the floor—but this chairman is going to table all these amendments.

Since I have the floor, let me talk about paying for these expenses. In January, I offered an amendment to pay for the war. I did not think back in April we were going to be debating and appropriating some $75 billion for the war. We are not paying for the war. We are going to borrow for the war. The distinguished chairman is saying, I am just not going to borrow anymore, like there is some restriction against borrowing in America.

What we have is not a stimulus, and I am going to bring it in to focus. Everybody runs around here cutting taxes. Why? To get reelected. That is Carl Rove's tax cut. That is all it is. It is a Carl Rove tax cut to get reelected. He told the President: To get reelected next year, you have to have a tax cut.

That is outrageous nonsense. We do not have any taxes to cut. We ran a $428 billion last year. We have under the President's budget a $554 billion deficit this year. I say to the distinguished Presiding Officer that does not include the cost of Iraq, which the President says is $75 billion, just for 6 months. God knows what it is for a year. Next year, the deficit will be $569 billion without the cost of the war and the occupation, by that time, I take it, of Baghdad.

What we will have is a $600 billion to $700 billion deficit in the election next year. Tell Carl Rove that. The interest cost, instead of $350 billion, is going to be $400 billion to $500 billion. We are in a meltdown because there is no responsibility.

I resent the idea of my distinguished friend from Alaska acting like ''I am not going to spend the money; I am just trying to get money that could not be spent in the next few months and is not needed'' when we vetted this issue, Republicans and Democrats. We need this money. We need this kind of security, but, oh, no, they will pass $3.5 billion for the airlines, and they will pass nothing for port security. They will pass a tax cut to get reelected next year.

We have a country that will be worse than we inherited. This will be the first time in history that one generation is going to leave the country worse off for the next generation. We always received a better country.

We have to go through these gymnastics up here of playing games for

tax cuts, playing games for the lobbyists and the airlines, and then when they do not have the lobbyists, they act as if this is a casual one and I will just move to table the amendment.

We aren't going to table right now because I have the floor. We are going to talk some more about paying for the war.

I think it is a disgrace that we would send our GIs to Iraq and say: We hope you don't get killed, and the reason we hope you don't get killed is because we want you to hurry back so we can give you the bill. We aren't going to pay for it. We have to have a tax cut so we can get reelected.

We look out for No. 1, not for the fellow on the battlefield. Oh, yes, we have the Flag in the lapel. We recite the Pledge of Allegiance to the American Flag. We have a moment of silence before we meet in subcommittee and other hearings. We stand up. We are very reverent. There are millions and millions for tribute, but not one red cent for defense. This is homeland defense. That is what it is.

I am sure the distinguished chairman of the party of Lincoln remembers well that Lincoln, to pay for the Civil War, put a tax on dividends; to pay for the Civil War, he put a tax on estates.

Now this party of Lincoln wants to take the tax off dividends and off estates and lecture about the port security that somehow the money is not needed; that we could not spend it; that we have other measures coming along the line and we are going to move to table all the amendments; we have already met in caucus, so we are going to table all the amendments and say: We got this money for the war effort; we did not get it for the terrorism war. That is what the Senator from South Carolina is talking about. We do not have any idea what is happening on the floor of the Senate. It is all politics. It is all applesauce, as Will Rogers said, and we are not paying attention to the real needs.

Here we have a real need, and we have to get the security around the ports of America.

As I said, there are some 55 important ports that terrorists could blow up and close down the economy for 1 year to 2 years. We all know that, but we pass it over because we have a system: We are going to leave this weekend, and we want to make sure we get rid of this bill before the weekend; what he wants to do is move to table these kinds of amendments.

Let me speak about this port security. I ask unanimous consent to print the details of my port security amendment to the supplemental appropriations bill in the RECORD.

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

HOLLINGS' PORT SECURITY AMENDMENT TO THE APPROPRIATIONS SUPPLEMENTAL

Sen. Hollings amendment to the ''Iraqi Freedom/Liberty Shield'' supplemental appropriations bill would add $1 billion for seaport security needs through the Department of Homeland Security. Sen. Hollings recommends that the money be spent consistent with the Maritime Transportation Security Act of 2002, as follows:

THE BORDER AND TRANSPORTATION SECURITY DIRECTORATE ($840 MILLION)

$110 million to Customs for the installation of screening equipment, and to be used to help develop new technologies to help develop and prototype screening and detection equipment at US ports.

$100 million to TSA and Customs; $50 million each, to evaluate and implement cargo security programs.

$30 million for the Transportation Security Administration (TSA) to develop and implement the Transportation Worker ID Card, and to conduct criminal background checks of transportation workers who work in secure areas or who work with sensitive cargo or information.

$600 million for grants to states, local municipalities, ports and waterfront facilities for port security contingency response and to help ensure compliance with federally approved security plans.

COAST GUARD ($150 MILLION)

$50 million for port security assessments.

$57 million to help implement the Automated Identification System (AIS) and other tracking systems designed to actively track and monitor vessels operating in US waters.

$36 million for Maritime Safety and Security Teams (MSST's) to increase the number of teams and provide capital equipment.

$7 million for radiation equipment development and implementation at cargo portals.

FEDERAL LAW ENFORCEMENT TRAINING CENTER ($10 MILLION)

$10 million to develop a seaport security training curriculum, in conjunction with the Maritime Administration, for the certification of federal and state law enforcement officers and private security personnel working at seaports.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to print on page 20 and 21 of the supplemental appropriations report, under chapter 5, Department of Homeland Security, the itemizations for the sections listed.

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

OTHER BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

IRAQI RELIEF AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

2003 appropriation to date	
2003 supplemental estimate	$2,443,300,000
Committee recommendation	2,468,300,000

The Committee provides $2,468,300,000 for the Iraq Relief and Reconstruction Fund for humanitarian assistance in and around Iraq and for rehabilitation and reconstruction in Iraq. The Committee expects that the transfer authority provided by this provision will not be used to transfer funds to the Department of Defense. Prior to the initial transfer of funds, the Secretary of State shall consult with the Committee on Appropriations on plans for the use of the funds appropriated under this heading.

The Committee provides that funds appropriated under this heading shall be used to fully reimburse accounts administered by the Department of State, the Department of the Treasury, and the United States Agency for International Development for expenses relating to the pre-positioning of relief and reconstruction assistance for Iraq prior to the enactment of this Act. The Committee notes that the following accounts should be reimbursed from funds appropriated under this heading: $157,000,000 for ''Development Assistance''; $3,900,000 for ''Transition Initiatives''; and $100,000,000 for ''Economic Support Fund''. The Committee requests to be notified when reimbursements have been requested and fulfilled.

The Committee notes that funds appropriated under this heading are subject to the regular notification procedures of the Committee on Appropriations, except that notifications shall be transmitted at least 5 days in advance of the obligation of funds.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 501. The Committee includes transfer authority between certain accounts, and requests to be consulted before this authority is exercised.

SEC. 502. The Committee provides the request for authority to provide assistance or other financing in this chapter for relief and reconstruction efforts in Iraq notwithstanding any other provision of law. Funds made available pursuant to this authority shall be subject to the regular notification procedures of the Committees on Appropriations, except that notification shall be transmitted at least 5 days in advance of the obligation of funds.

SEC. 503. The Committee provides the request for the repeal of the Iraqi Sanctions Act of 1990, and other limitations on assistance for Iraq.

SEC. 504. The Committee provides the request for the authority to export to Iraq any item subject to the Export Administration Regulations or controlled under the International Trafficking in Arms Regulations on the United States Munitions List, if the President determines that to do so in the national interests of the United States. The Committee requests the President, after consulting with all relevant departments and agencies, to report to the appropriate congressional committees on a semiannual basis on all Commerce and Control Munitions List items transferred to Iraq, and the person or entity to which each item has been transferred. The Committee requests that the first report be submitted to Congress no later than 90 days after enactment of this Act.

SEC. 505. The Committee provides $10,000,000 in ''Economic Support Fund'' assistance for the establishment of a tribunal for the prosecution of Saddam Hussein and other Iraqi war criminals.

SEC. 506. The Committee includes the Sense of Congress providing that, to the maximum extent practicable, contracts and grants for relief and reconstruction in Iraq should be awarded to United States companies and organizations, those located in the Near East region, and those from countries who have provided assistance to Operation Iraqi Freedom. The Committee believes that reconstruction efforts should include employment and other opportunities for the Iraqi people.

SEC. 508. The Committee provides the Secretary of State with a national security interest waiver for certain restrictions on assistance for Ukraine contained in Public Law 108–7.

Mr. HOLLINGS. That is a total sum of $1.135 billion, not a thing of what the Senator's amendment encompasses. We have $12 billion to $20 billion that is stolen from the ports, and we are trying our best to change the culture there. We have had good success with respect to the background checks. That was a big holdup on the Senate side.

We worked with the unions and they agreed that we should have background security checks for the workers. So in checking that out, they now are anxious because they said now you have it in law that we have to have the cards, but they are not coming through with the cards in the system. So how can we comply? That is in this Senator's provision for port security. The distinguished Senator from Maine, Ms. OLYMPIA SNOWE, was asking questions at the hearings and Admiral Collins said he was hopeful by the end of fiscal year 2003 we will have 17 of the 55 port plans done.

Here is Admiral Collins's answer:

We have an $11 million recurring base to do port-security assessments. Part of the feature of the 2004 budget was that $11 million was moved to the Department, Under Secretary for Information Analysis and Infrastructure Protection. The same approach taken with TSA, Transportation Security Administration also has money to do assessments in other modes of transportation. They have been centralized. The funds—as part of the President's budget, those funds have been centralized in the Under Secretary for Information Analysis and Infrastructure Protection. Although we remain the executive agent, if you will, of that Under Secretary to perform in the maritime.

So we have not gotten the money.

It is an $11 million issue. As that new Under Secretary, who is still filling empty chairs as we speak matures, we will develop the working relationship, a very collaborative, congenial relation to date on the issue, no contention. And we will continue to pursue our assessments.

But then we are only going to have by the end of the year some 17 of the 55 done.

This is an emergency. I implore my colleague from Alaska, the chairman of our Appropriations Committee, get some money into this endeavor. I do not know about these other amendments that are coming along. He knows this better than any Senator in the Senate because I know Alaska, and I know the Senator's record. We do not have that money. That is why I went down and itemized. I knew that I was not going to ask for money that the Senator knew more about than I did, so I had to rehearse myself and break down every particular item in the supplemental appropriation. I did not have the money, so that is why I pointed out where in the billion it comes from.

Mr. GRAHAM of Florida. Mr. President, I rise today in support of the Hollings amendment to this supplemental appropriations bill, which would provide $1 billion to this Nation's seaport security programs.

Seaports are one our Nation's greatest assets, serving as the lifeline for economy and trade, for the fishing and cruise ship industries, and to military operations. But they remain one of our greatest vulnerabilities.

Our ports are susceptible to misuse by a terrorist organization. When a cargo container arrives on our shores, it is quickly loaded onto a truck or a train, and is transported to any of our cities, leaving all Americans vulnerable to a security lapse.

Right now, the Federal Government is not completely fulfilling its responsibility to protect our seaports. I am very pleased that the Maritime Transportation Security Act was signed into law last year. But for this legislation to be effective, it must have a predictable and sustained funding source for the agencies tasked with maintaining the security of our maritime borders.

We will never have enough law enforcement personnel or the perfect intelligence to detect and deter all potential threats. Technology is a promising approach to closing this gap—it may aid in container tracking, security, anti-tampering, and examination. These systems may also eventually have the ability to detect the presence of chemical, biological, and nuclear weapons at our Nation's ports.

I agree with Senator HOLLINGS that an attack on our seaports would be devasting. Compounded by the reality of our economic dependence on ports and the available intelligence on threats, it is inexcusable that we have not done more. Senator HOLLINGS' amendment would provide funding for industry and port security grants, State and local entities, the Maritime Administration, the Coast Guard, the Customs Service, and the Transportation Security Administration.

Since the tragedy of September 11, 2001, the threat and impact of terrorism has become real to many Americans. The global war on terrorism must be waged with equal intensity and commitment, both overseas and—here in our own Nation including at our seaports.

My colleagues may argue that this amendment is not war related, but I disagree. Our war effort depends on access to our 13 strategic military seaports, which support our operations in Iraq. These ports, like the rest of our 361 ports, are insufficiently vulnerable. If a terrorist threat were to affect one of our ports, our military operations could be negatively impacted.

The security of our borders is a national responsibility. Investing in maritime security is as vital as investing in our intelligence capabilities or investing in our Nation's airports.

I urge my colleagues to support the Hollings amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I regret the problem we have with regard to the funding for these items. I call attention to the fact that we are trying to get a supplemental appropriations bill to deal with the costs of the war primarily, not just one war but the war against terrorism, the war in Iraq, and the war in Afghanistan.

I know of no other way to do it than to say we have reached a limit as far as what we are going to do. This thought just came to my mind. We have gone beyond the President's request to deal with the most pressing need, and that is the aviation industry relief. We have some benefits for that industry, almost $4 billion, that deal with trying to give that industry the ability to rejuvenate the economy. If they come back, the whole economy comes back, in my judgment.

In any event, the more we put in the supplemental, the more we will have a situation where we will not get that either. The aviation industry relief, I am told, needs to be finished almost immediately. Some of these companies are going into chapter 11 right now. Others are indicating that they may cease operation.

I really believe the major factors in this bill are defense, homeland defense and aviation industry relief. I urge the Senate to think about it and confine it to that.

I move to table the amendment of the Senator from South Carolina, and I ask that the vote on that amendment take place following the amendment of the Senator from Louisiana, Ms. LANDRIEU. I further ask that prior to Ms. LANDRIEU, the Senator from Colorado and the Senator from Arkansas share 15 minutes on the amendment they have, which it is my understanding we are in the position now where we will adopt that amendment. I do not know the final status of the amendment of the Senator from Louisiana so I will not move to adopt it, obviously, since it is not before us yet. But that will be my intention when we finish.

My friend from Nevada and I are trying to estimate when these votes would take place. I want 5 minutes to respond to the Senator from Louisiana after she offers her amendment. So it would be 5:15 that we would be voting.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If the distinguished Senator will yield, I ask that the matter proceed as the Senator from Alaska has outlined: that there would be no second-degree amendments in order, and following the offering of the amendment by the Senator from Louisiana and the statements of the two Senators from Arkansas and Colorado, we would proceed to vote on the motion to table; and then following that, the Landrieu amendment, whatever the Senator decides to do on that.

On our side, Senator CORZINE is ready to offer his amendment. Following that, Senator BYRD is ready to offer his amendment. That is not a UC. That is just for the information of Senators. The rest of the unanimous consent agreement, I ask be adopted.

Mr. STEVENS. Reserving the right to object, I think we should go back and forth.

Mr. REID. That is not part of the deal.

Mr. STEVENS. I certainly have no objection to the Senator's unanimous consent request.

Mr. REID. Mr. President, the staff had some question about the time on

Landrieu. The time was 15 minutes for the Senator from Louisiana and 5 minutes for the Senator from Alaska.

Mr. STEVENS. It is my understanding that there will be no second-degree amendments to the Landrieu amendment or to the amendment of the Senator from Colorado.

The PRESIDING OFFICER. That would be the Chair's understanding.

Mr. STEVENS. That does not apply to subsequent amendments.

Mr. REID. That is right.

The PRESIDING OFFICER. That is the Chair's understanding.

Is there objection?

Mr. ALLARD. No. I want to ask for a clarification. Will I introduce my amendment following the Landrieu amendment?

Mr. STEVENS. The Senator from Colorado is first. He and the Senator from Arkansas share 15 minutes.

The PRESIDING OFFICER. It is the Chair's understanding that the Senator from Colorado will be first.

Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. ALLARD. I ask that the pending amendments be set aside.

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

AMENDMENT NO. 451

Mr. ALLARD. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself, Mr. WARNER, Mr. MCCAIN, Mr. PRYOR, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mrs. DOLE, Mr. CHAMBLISS, Mr. NELSON of Florida, Mr. CORZINE, Mr. CORNYN, and Mrs. CLINTON, proposes an amendment numbered 451.

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

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

The amendment is as follows:

(Purpose: To establish a panel to determine responsibility for an atmosphere at the United States Air Force Academy that was conducive to the recent acts of sexual misconduct at the United States Air Force Academy)

On page 89, between lines 4 and 5, insert the following:

TITLE V—PANEL TO REVIEW SEXUAL MISCONDUCT ALLEGATIONS AT UNITED STATES AIR FORCE ACADEMY

SEC. 501. ESTABLISHMENT OF PANEL.

(a) ESTABLISHMENT.—There is established a panel to review allegations of sexual misconduct allegations at the United States Air Force Academy.

(b) COMPOSITION.—The panel shall be composed of seven members, appointed by the Secretary of Defense from among private United States citizens who have knowledge or expertise in matters relating to sexual assault, rape, and the United States military academies.

(c) CHAIRMAN.—The Secretary of Defense shall, in consultation with the Chairmen of the Committees on Armed Services of the Senate and House of Representatives, select the Chairman of the panel from among its members under subsection (b).

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(e) MEETINGS.—The panel shall meet at the call of the Chairman.

(f) INITIAL ORGANIZATION REQUIREMENTS.—(1) All original appointments to the panel shall be made not later than May 1, 2003.

(2) The Chairman shall convene the first meeting of the panel not later than May 2, 2003.

SEC. 502. DUTIES OF PANEL.

(a) IN GENERAL.—The panel established under section 501(a) shall carry out a study in order to determine responsibility and accountability for the establishment or maintenance of an atmosphere at the United States Air Force Academy that was conducive to sexual misconduct (including sexual assaults and rape) at the United States Air Force Academy.

(b) REVIEW.—In carrying out the study required by subsection (a), the panel shall—

(1) the actions taken by United States Air Force academy personnel and other Department of the Air Force officials in response to allegations of sexual assaults at the United States Air Force Academy;

(2) review directives issued by the United States Air Force pertaining to sexual misconduct at the United States Air Force Academy;

(3) review the effectiveness of the process, procedures, and policies used at the United States Air Force Academy to respond to allegations of sexual misconduct;

(4) review the relationship between—

(A) the command climate for women at the United States Air Force Academy; and

(B) the circumstances that resulted in sexual misconduct at the Academy; and

(5) review, evaluate, and assess such other matters and materials as the panel considers appropriate for the study.

(c) REPORT.—(1) Not later than 90 days after its first meeting under section 501(f)(2), the panel shall submit to the President, the Secretary of the Air Force, and Congress a report on the study required by subsection (a).

(2) The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

SEC. 503. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—(1) Members of the panel established under section 501(a) shall serve without pay by reason of their work on the panel.

(2) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this title.

(b) TRAVEL EXPENSES.—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

Mr. ALLARD. Mr. President, I thank the chairman for giving me an opportunity to offer this amendment. Twice this past week, the Secretary of the Air Force, James Roche, and the Air Force Chief of Staff, GEN John Jumpers, testified before congressional committees on the progress of the Air Force's investigation into the allegation of sexual misconduct at the U.S. Air Force Academy.

Like many of my colleagues, I was stunned to hear these officials exonerate the leadership of the Academy. The Air Force investigation has not been completed, yet Secretary Roche and General Jumper have already determined that these officials were not responsible. To make this determination before the investigation is completed is irresponsible and inappropriate, in my view.

Mr. President, 42 former and current cadets who allegedly were sexually assaulted or raped have contacted my office. Some of these cases are between 5 and 10 years old. Most, however, took place within the last 5 years; 20 have occurred within the last 2 years. Let me repeat that: 20 cadets say they were sexually assaulted or raped in the last 2 years at the U.S. Air Force Academy.

The Air Force said the current leadership did not know about this problem. I disagree. I believe they chose to ignore it. Since 1998, the Academy Office for Character Development has been conducting student surveys on sexual assaults. The surveys, which were reviewed by the Academy's leadership, clearly indicated a pervasive problem with sexual assaults at the Academy.

Here are some of the results from these surveys. In 1998, 22 cadets said they had been sexually assaulted at the Academy. In 2000, 17 cadets say they had been sexually assaulted at the Academy. In 2001, 167 cadets indicated they had been sexually assaulted—167. In 2002, 80 cadets said they had been sexually assaulted at the academy. These surveys were, at the very least, a warning that the Academy leadership chose to ignore.

I served on the Academy's Board of Visitors for 4 years, and never during that time did the Air Force leadership or Academy officials bring up this issue. The first time problems of sexual misconduct at the Academy were discussed was last week. I issued repeatedly over the last year at Board of Visitors meetings a concern about sexual misconduct. Last June, for example, I urged Academy officials to investigate a highly sexual drama competition put on by cadets. I was assured that the Academy would review sexual misconduct at the Academy.

Last September, I again brought up a number of concerns raised by parents of cadets about sexual assaults at the Academy. Again I was assured the Academy would look into it.

Enough is enough. It is time to take action. I appreciate the fact that the Air Force moved so quickly on its investigation. I am also pleased the Air Force has issued a number of directives. But clearly, given the history involved and the lack of action in the past, an external review is necessary.

Therefore, Senator WARNER, Senator PRYOR, Senator MCCAIN, Senator

GRAHAM, and I, along with several others, will offer an amendment to the legislation currently before the Senate. This amendment will create an independent panel that will review the Air Force's directives and determine those who were responsible for the atmosphere that was conducive to recent acts of sexual misconduct at the Air Force Academy. The panel will begin its work by May 1, 2003, and submit a report to the President, Secretary of Defense, Secretary of the Air Force, and Congress within 90 days.

I still believe in the Air Force Academy. It is a fine institution. It has trained and equipped thousands of Air Force officers. Yet this current crisis has tarnished the reputation of the school and cast doubt on its graduates. It is time for us to take action. I urge my colleagues to support our amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I see the Senator from Arkansas, the prime cosponsor, along with the Senator from Colorado. I will briefly make a comment to thank them for producing this amendment. I thank Senator WARNER, as well as Senator CHAMBLISS and others on both sides of the aisle who are responsible for this amendment. It is much needed.

We had a hearing on this issue yesterday. It was one of the most remarkable evasions of responsibility I have ever seen. Basically, in summary, testimony by the Secretary of the Air Force and Chief of Staff of the Air Force said, really, no one is responsible.

We know people are responsible and people are held responsible, including the Chief of Staff of the Air Force and the Secretary of the Air Force. The Secretary of the Air Force has proven, to our satisfaction, that he cannot and will not address this situation, this crisis, at the Air Force Academy in a mature and efficient fashion. That is what triggered this amendment by Senators ALLARD and PRYOR. I strongly support it. Clearly, the quicker this panel will act and send its recommendations, the sooner we will implement changes in policy that will prevent a recurrence.

I might add, the situation apparently has been going on for 10 years. That is clearly an unacceptable situation at one of our finest institutions.

I thank the Senator from Arkansas, the Senator from Colorado, and others involved in this important amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I concur and join in the comments of my esteemed colleague from Arizona and my colleague from Colorado on this very important amendment the Senate is now considering. I believe the Senate needs to send a very strong signal that we will not tolerate sexual misconduct at our military academies. It is not only important for the cadets and their families but also for the Nation.

Yesterday I received notice that a young woman in Arkansas has now been accepted to the Air Force Academy. I called her on the phone. She is excited, eager, ready to go. We talked about the situation at the U.S. Air Force Academy. I have no doubt it will be a great experience for her, it will be a great education, and she will excel and achieve great things in her military career.

As I continue to recommend that young men and women go to our military academies, I want to proceed with confidence and know they are going into a healthy environment. These institutions are institutions of honor. There have been dozens of allegations of sexual misconduct at the U.S. Air Force Academy. It is time we stop and honor these victims, that we listen to them.

One thing that became very clear the other day in the hearing we had was that there were a lot of facts we did not know. There is a lot of evidence we still need to uncover. We need a clear picture of the atmosphere at our military academies. We need to ensure this Nation, the Air Force, the cadets, and the families that when we send young men and women to the Air Force Academy, they are going to a constructive environment, they are going into a culture that will not tolerate sexual impropriety.

This is not about a witch hunt. It is not about pointing fingers. It is about admitting to a problem, identifying the problem, and making sure it never happens again.

I thank my colleague from Colorado for all of his hard work. The chairman of the committee also had a hand in this and is a cosponsor. We are honored to have him. I thank the Members of this body for their time and patience, especially Senator STEVENS of Alaska, who has worked this in on short notice, along with Senator BYRD of West Virginia, who has been very kind with the time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I add an additional cosponsor to the amendment, Senator DODD.

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

Mr. ALLARD. I join my colleague from Arkansas in thanking Senators and thanking Senator MCCAIN personally for his efforts on this amendment. It has been a delight to work in a bipartisan manner with the Senator from Arkansas. I also thank Senator WARNER and his staff. All our staffs have worked hard, as this has been a last-minute amendment.

We are happy to yield back.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. The only addition I would like to make is Senator CORZINE would like to be added as a cosponsor.

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

The Senator from Louisiana.

AMENDMENT NO. 452

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

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Ms. LANDRIEU) proposes an amendment numbered 452.

Ms. LANDRIEU. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To appropriate $1,047,000,000 for procurement for the National Guard and Reserves)

In chapter 3 of title I, under the heading ''PRO-CUREMENT'', insert the after the matter relating to ''PRO-CUREMENT, DEFENSE-WIDE'' the following:

NATIONAL GUARD AND RESERVE EQUIPMENT.

For an additional amount for ''National Guard and Reserve Equipment'', $1,047,000,000.

Ms. LANDRIEU. Mr. President, I come to the floor to support the supplemental appropriations bill that is before us because it is a bill that supports our troops, it strengthens our Nation, and it sends a very positive and I hope united signal that we are unified in support of our men and women on the battlefield and our men and women who are supporting our warriors on the battlefield.

We are acting as quickly and as deliberately as we can to debate and delve in some detail into a bill that is fairly significant in size, almost $75 billion. I support that effort.

I also say I support the course of this administration. I supported the use of force. I support the course of action we are on, a tough and aggressive action toward this rogue regime. I believe, as the political leadership of this Nation, leading the world in this effort, we need to continue our support, morally, spiritually, and politically as represented by the bills we pass in Congress.

Last week, Senator DURBIN and I offered an amendment in a bipartisan partnership with Senator WARNER and Senator CHAMBLISS from Georgia. We received 100 votes for an amendment that would steer or direct some of the funding—a very small portion of the funding but funding very much needed by the Guard and Reserve—to the Guard and Reserve, which are picking up a larger share of the burden of this war, this campaign.

I am here today to offer another amendment that will support the 100-to-0 vote of last week to actually fund a portion of that amendment.

Last week, we said we wanted to raise the combat pay for Guard and Reserve and for Active military. I am pleased the Senator from Alaska has

worked out an arrangement that is going to actually make that possible. We have, I think, agreed on a doubling of the amount and have fit that within the framework of this bill. I know that is going to be received with gratitude and happiness on the part of the families who have their loved ones right there on the battlefront.

In addition to increasing the combat pay and the separation pay for all our Guard and Reserve units, I also think we need to do everything we can possibly do to send our Guard and Reserve on the battlefield with the equipment they need to win the war and to protect themselves, to stand up the American flag and be victorious in this effort. I am very concerned, as a member of the Appropriations Committee, as a former member of the Armed Services Committee, that our budgets do not reflect the commitment to our Guard and Reserve that their actions and their contributions warrant.

Let me quote the Deputy Assistant Secretary of Defense, Mr. Charles Cragin:

> The nature and purpose of reserve service has changed since the end of the cold war. They are no longer weekend warriors. They represent almost 50 percent of the total force.

If we are not members of the Reserve ourselves or do not have family members in the Reserve, I am not sure we recognize the significant change that has occurred in the last 20 years in the makeup of our armed services. Mr. President, 45 percent of the total force is made up by our National Guard and National Reserve; 1.2 million men and women who serve as reservists today are being called up to an unprecedented extent.

He goes on to say:

> We are currently calling reservists to duty involuntarily under three separate Presidential orders: For Bosnia, Kosovo, Southwest Asia. Thousands of reservists have served with great distinction around the globe, including more than 5,000 who recently deployed to Europe in support of the air campaign over Kosovo.

Of course, this was several years ago. The bottom line is they are a significant part of the total force; weekend warriors no more.

Let me state for the Record the Center For Strategic and Budgetary Assessment says:

> The reserve component represents 47 percent of our military structure but consumes only 8.3 percent of the Department of Defense budget.

There is a bias in the Department for the Active units. I am not saying one is more important than the other, but our budget needs to reflect the contributions that both the Active-Duty and the Guard and the Reserve are contributing, reflective of their contribution and their position in the total force. Our budget does not, today, do that.

My amendment attempts to add $1 billion. It is not going to bring the percentage up to where I believe it needs to be, but it is a step in that direction and it is something we can do right now. There is no reason to wait. The supplemental bill I hope to vote for—I am proud to vote for, I want to vote for—has $62 billion for Active Forces but only $271 million for the Reserve Force. Let me repeat, $62 billion for the Active Forces but only $271 million for the Reserve Forces. Yet every day, every night in America, the telephone rings in households in Louisiana, in Texas, in Mississippi, with a commanding officer saying: ''Sir or Ma'am, report for duty. You will get your orders when you arrive. Please make arrangements.''

Do you know what those arrangements are that the Guard and National Reserve make? They write their wills. They kiss their spouses goodbye. They tell their children goodbye. They call all the friends they went to school with to tell them goodbye because they may not see them again.

Those are the arrangements that are made when that telephone rings. Yet this budget that is supporting that effort fails to give them the equipment and support they need.

I know that is a strong statement. But the facts support that statement. This Senate and House have a responsibility to begin to fix that. We can fix it. We have $65 billion. My amendment asks to add $1 billion. I am prepared to take it out of the $65 billion. We are prepared to add it. We are prepared to find an offset. But to continue to ask our Guard and Reserve to make arrangements—perhaps we should make arrangements to provide them the equipment they need to fight a war we are asking them not only to fight but to win.

If people say, Senator, let's just wait until the 2004 budget, I can tell you it is not any better. We are going to spend $400 billion on defense, but a meager $1.9 billion is devoted for Guard procurement. That means we are prepared as a nation to spend less than the cost of one submarine for all the equipment needs of nearly 50 percent of our troops.

That does not make any sense. When we talk about force protection and minimizing casualties, you don't have to be an expert in warfare to understand one of the ways you can minimize casualties is to give your Guard and Reserve the best training and the best equipment, so when they ship out, they have a chance to ship back.

I am going to spend a few minutes. I wish I had more time because I want to talk about the thousands of men and women who are called up, State by State, so when people come down in a few minutes to vote on this amendment, they will know exactly how many families they are voting for in their districts and their States, and how many families they are voting against.

Let's start with the States that have over 50 percent of their forces called up: Alabama, 5,961. This is a portion of the forces. That means the telephones rang in 5,961 houses and a voice said, ''We need you. Close your business. Leave your employment. Make your will. Tell your wife, your spouse goodbye. Hug your children. Tell your family goodbye, and we will let you know when to ship off.'' These people are gone. And then there are going to be thousands more who are called up.

In Washington State: 4,066. In my home State of Louisiana, which is over, I think, 35 percent: 2,328.

Now, this is the number of personnel mobilized out of the Army Guard. This isn't all of the Reserve components. And we are trying to get a handle on those numbers. Some of those numbers are classified for obvious reasons.

But suffice it to say, they are not showing up for a weekend of work in Iraq. They are going for 6 months or for a year.

Some people say, ''Senator, you don't need equipment for the Guard and Reserve because they get the equipment when they go over there.''

Let me ask you, on the television that we have seen, just think about what the visuals have been about the war. Have we seen any tanks that don't have people in them? Have we seen any armored vehicles just sitting there waiting for a driver? Because that is not true. The truth is, the soldier shows up with his rifle, with his uniform, with his chemical detection equipment. The planes have to have the radar on them already. They have to show up with their equipment to fight the battle. And we are not funding the Guard and Reserve at the level we should.

I want to tell my people in Louisiana, when that phone rings, their Senator was on this floor fighting for them to have this equipment. And the argument is, ''Well, they can't buy it in 30 days, so we can't put it in this bill.'' And then the next time we have a bill, they will say, ''We can't buy it in 30 days, so let's not put it in that bill.'' And then the next time we have an appropriations bill, it is going to be the same story.

I am saying today, as we call up 100,000 more troops, half of whom are going to be Guard and Reserve, please, let's give them the equipment they need to win the war. And that is what my amendment does.

I have talked to the chairman. I have asked the chairman. We could add the money. We can take it out of the $65 billion. We can offset the money that is going to Turkey, $1 billion. I would rather send it to the Reserves. I don't want to cut it in half, but I am willing to compromise. But to tell our Guard and Reserve, no, I just am not willing to do it.

I want to list some of the items this money will buy. A great many of these items do not take a great amount of time to order. You could pick up the phone and dial it and ask them to deliver it. Let me just give you a couple of examples in the few minutes that I have.

The collective protection fund would be used to procure collective protection shelters for deployed forces in the event that chemical and biological weapons are fired on them. They would have a shelter to protect themselves.

Skin exposure reduction paste, I am sure someone produces that and manufactures it now. It is not something we have to invent. All they have to do is pick up the phone and order it. The skin is exposed, and it helps them against chemical warfare agents.

Increased resources will be used to procure additional mobile chemical agent detectors for use by forces performing the mission of determining whether weapons of mass destruction are present. How will they know if they don't have the equipment to detect it? And there are some things that are classified in this list that I cannot speak to.

I think our Active Forces would agree with this amendment. I think our Active Forces realize how important the Guard and Reserve are, what capable soldiers they are. And some units are better trained than others. I understand that. And some States have it better organized than others.

I happen to represent a State that has one of the finest National Guards in the Nation. I guess I am so proud of them, I want to do my very best by them, and to say we are doing a disservice by having $62 billion in this bill for Active Forces and we have added up only $271 million for Reserve Forces. Yet almost 50 percent of the men and women fighting the war are in the Guard and Reserve.

It just does not make sense. And perhaps it was an oversight. I do not think anyone means—I ask unanimous consent for 3 more minutes.

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

Ms. LANDRIEU. I do not think anyone means harm to the Guard and Reserve. And I know that every Member of the Senate is most certainly patriotic and wants to do their best. But I have spoken about this in meetings. I had to bring it to the Senate floor to give it attention. And I must ask for a vote because, that way, then people can go on the RECORD, and they can then be on the RECORD explaining to these 5,000 families why we could support these billions of dollars of equipment for the Active Forces and shortchange our Reserves.

I know that is not the intention of the Chair. And I would not in any way say he does not have an extremely difficult job of managing this bill. And I have no intention of holding up the bill. But I thought it was only fair to offer this amendment, to speak for 20 minutes, to ask for the money that I think our Guard and Reserve need.

So when the phone rings in Louisiana, and the Smith family or the James family or the Fonteneau family or the Thibodeaux family is called, they can say our Senator did her very best to try to convince people that maybe there was a slight imbalance in the money that was given for the Actives versus the Reserves, and that she is not sending my son, my husband, my wife, my grandmother, or my grandfather out there, at a loss to his or her income, a sacrifice to the family, without the equipment he or she needs to fight a war we asked them to fight, which is what we are doing in Iraq.

So I offer my amendment. I ask for support. I am sorry if the leadership cannot support this amendment, but I am going to ask for a vote. And I will continue, every time there is an appropriations bill on this floor—whether it is a supplemental appropriations or whether it is part of our next year's budget—I will continue to say, if 47 percent of our force fighting the war today—not next week; today—are Guard and Reserve, don't they deserve more than 8 percent of the money we are sending to support the war.

I say that answer is yes. And I want the families in Louisiana to know that I get it, I understand it, and I don't want them to put their lives in any more danger than what is absolutely necessary.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the amendment of the Senator from Louisiana would add over $1 billion, which would be earmarked for National Guard and Reserve equipment.

The amendment proposes to increase the supplemental appropriations fund to add funding for something that the Department of Defense does not tell us is a high priority.

Equipment is not requested to be funded in the supplemental or in the budget that was submitted by the President for the next fiscal year.

Most of the items the Senator is describing are for the purposes of training. What we are trying to do today is provide funds for the Department of Defense to wage the war on terror and to pay for what is needed now so that we can win a victory in Iraq and protect the security of our homeland, not for items that will reach their destination or be usable by the Guard and Reserve Forces 2 years from now. And that is what these funds will do. They are for future projects.

Three of the projects are for construction—$20 million worth of construction projects—so they are not warfighting funding program dollars that are requested by the administration of this Congress at this time.

The committee has made available a sum of $11.019 billion in the Defense Emergency Response Fund that can be used for any of these items that the military thinks are necessary in order to wage the war on terror, so we are not denying the military the opportunity to spend funds for purposes such as the Senator describes. But we are not telling them they have to. We are not earmarking funds and saying you have to spend this for this purpose at this time.

The bill that is before the Senate also contains $1 billion in procurement accounts that can be used for Guard and Reserve Forces. So we are not ignoring the Guard and Reserve in this bill. The Guard and Reserve equipment, and the use of them in the operations at this time, is fully provided for in the bill.

We hope the Senate will reject the amendment. It has not been requested by the Department of Defense. The requests the Department are making for waging the war are met by the funding provided in the bill.

Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. What is the pending measure? The first vote will occur on the amendment of the Senator from Colorado?

The PRESIDING OFFICER. The amendment of the Senator from South Carolina. The Landrieu amendment is currently pending.

Mr. STEVENS. But under the unanimous consent request, we vote first on the Hollings amendment; is that correct?

The PRESIDING OFFICER. The Hollings vote was scheduled after the Landrieu amendment.

Ms. LANDRIEU. Will the Senator yield for a moment?

Mr. STEVENS. One second till I straighten this out. I don't care which one. This Senator has no priority on it. I am agreeable to either one first. The amendment I am trying to address after that, though, is the amendment of the Senator from Colorado. What has happened to it in my absence?

The PRESIDING OFFICER. That has been set aside.

Mr. STEVENS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Alaska indicated he didn't care. The Senator from Louisiana thought her vote would be second. She would rather that her vote follow the Hollings amendment motion to table.

Mr. STEVENS. The Senator has that right. I ask unanimous consent that the vote on the motion to table the Hollings amendment occur first.

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

Mr. REID. I further ask unanimous consent that there be 2 minutes equally divided between the two votes.

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

Mr. REID. One minute on each side.

Mr. STEVENS. I have no objection. I ask for the yeas and nays on the Hollings amendment.

The PRESIDING OFFICER. On the motion to table.

Mr. STEVENS. On a motion to table. I have made that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on the motion to table amendment No. 445.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY), is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY), would vote ''no.''

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

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—52

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

NAYS—47

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

NOT VOTING—1

Kerry

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 452

Mr. STEVENS. Madam President, parliamentary inquiry: What is the pending business now?

The PRESIDING OFFICER. The pending business is the motion——

Mr. STEVENS. Madam President, could we have order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

The pending business is the motion to table the amendment offered by the Senator from Louisiana, Ms. LANDRIEU.

The Senator from Alaska is recognized for 1 minute.

Mr. STEVENS. I yield to the author of the amendment first. The Senator from Louisiana is entitled to 1 minute. I hope my colleagues will let her speak.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Madam President, will the Senate be in order?

The PRESIDING OFFICER. The Senate will be in order. We will not proceed until the Senate is in order. Senators will cease their conversations and move from the aisles to their seats.

Mr. STEVENS. Madam President, where is the Sergeant at Arms?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

This is a very important amendment, and I ask my colleagues to consider carefully their vote. Last week, we voted 100 to 0 in a bipartisan fashion to support an increase in combat pay for Active and Reserve and to increase the funding for necessary equipment for our Guard and Reserve. This amendment adds $1 billion to this bill for a very good reason: Because the Reserve component represents 47 percent of our military structure and only 8.3 percent of the budget. In the underlying bill, we have $62 billion for Active and $271 million for the Reserves.

In every State, thousands of people are being called up. When they get the call, they put on their uniform and go. This amendment gives them the equipment to fight and win the war. I ask for everyone's support.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, of the $62.6 billion requested by the President for defense, no less than $10.8 billion in this bill is for the direct support of the Guard and Reserve for this fiscal year. The monies that the Senator from Louisiana wishes would be spent in 2004.

I yield the remainder of my time to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, we are addressing the immediate needs. This is an emergency supplemental. The needs as identified by the Senator from Louisiana are all nice to have, but they should go through the orderly process, through the Senate Armed Services Committee, a request by the President of the United States, and then a full and open debate. This is neither the appropriate nor, I believe, fiscally responsible thing to do at this time. I urge a ''no'' vote.

Ms. LANDRIEU. Madam President, I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. On each side is all right with me.

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

Ms. LANDRIEU. Is the Senator from Arizona suggesting the $6 billion that is on the list for the Reserves has not gone through the regular order?

Mr. MCCAIN. I am suggesting to the Senator from Louisiana, this is a very large appropriation which has not been examined by members of the committee themselves in this context and is added after carefully thought out, carefully requested amounts of funds have gone through the Appropriations Committee in the form of an emergency supplemental. I am sure these are all worthy causes. There are billions and billions of dollars of worthy causes.

Ms. LANDRIEU. With all due respect to the Senator from Arizona, I am a member of the Appropriations Committee, and this $6 billion has gone through, and we are asking $1 billion of the $6 billion.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

The Senator from Alaska.

Mr. STEVENS. Madam President, the money that is in this bill will help the Guard that has been called up. That is the case. We want to help the people who are fighting the wars now. I ask for the yeas and nays.

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

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

I further announce that the Senator from Massachusetts (Mr. KERRY), would vote ''no.''

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

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—52

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

NAYS—47

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

NOT VOTING—1

Kerry

The motion was agreed to.

Mr. COCHRAN. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. It is my understanding Senator MCCAIN is on the floor to offer an amendment. He has graciously consented, since we are going back and forth on amendments——

The PRESIDING OFFICER. The Senator will suspend. The Senate will be in order.

The Senator from Nevada.

Mr. REID. The senior Senator from Arizona has graciously consented to allow Senator EDWARDS to speak for up to 5 minutes on an amendment that will be offered at a subsequent time by Senator CORZINE and himself. Following that 5-minute statement by the Senator from North Carolina, then Senator MCCAIN will be authorized to offer an amendment.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Madam President, I rise today to talk about an amendment Senator CORZINE and I plan to offer later during debate. At the outset, I thank Senator CORZINE for his leadership and say he is far and away the Senate's greatest champion on this particular issue.

The issue is simple. Will we protect our chemical plants from terrorist attacks? The answer to that question has to be yes. All Americans are praying for our soldiers overseas today. Their courage, patriotism, and dedication is an inspiration to every one of us. Today it is time for folks here in this Chamber to summon a little bit of courage to make sure we do our part to protect America.

Folks have been talking about chemical security for months. Everyone knows the vulnerability of these plants is a major problem, but nobody is acting. The time for talk is past. It is time for us to put the security of the American people ahead of special-interest lobbyists and pass this bill now.

Our chemical plants remain dangerously at risk for terrorist attack. According to the EPA, there are 123 chemical plants that would endanger a million people each if they were attacked, and those are just the chemical plants that are located near big cities. The U.S. Army Surgeon General found the No. 2 threat to the American public, second only to a major biological attack, is a terrorist attack on a chemical plant. And the terrorists know it.

Government officials at the National Infrastructure Protection Center have warned that al-Qaida operatives may plan to launch attacks on our chemical and nuclear infrastructure, ''to cause contamination, disruption, and terror.''

Based on their information, chemical plants remain viable targets for terrorists. Despite these enormous and serious threats, our Nation's chemical plants remain unprotected. The Agency for Toxic Substances and Disease Registry issued a report just a few weeks ago that found the security at chemical plants ranged from fair—which is the best—to very poor.

Last fall, on the anniversary of September 11, Newsweek gave the chemical industry an F for failing to beef up its security—an F. Newsweek described the threat to chemical plants as 1,000 points of vulnerability, risk that has remained largely below the radar. One blown-up plant, truck, or train, and the press will be calling for the scalps of those who let it happen.

We have a chance to stop it. We cannot let this happen. That is our responsibility.

Senator CORZINE has been on top of this issue from day one. He has taken the lead on getting an effective chemical plant safety bill through the Senate and signed into law. He introduced his bill, the Chemical Security Act, back in October of 2001, more than a year and a half ago. It passed unanimously out of the Environment and Public Works Committee. Back then, everyone agreed we needed to protect our chemical plants and keep all the American people safe.

Unfortunately, since then, some of our colleagues have changed their minds. In fact, some of the Members who voted for the Chemical Safety Act in committee later reversed themselves and attacked it when it was considered in legislation to create the Department of Homeland Security.

Senator CORZINE has reintroduced the bill, but now it is stalled in committee. Why is it a bill that was so popular to Congress has now become so controversial? I will tell you one thing that has happened. The industry lobbyists have gotten the word out that they are against this bill. They do not like it. They say they don't want Government telling them what to do. They want voluntary standards, not mandatory standards. Now it is beginning to look as if the administration is going to take the same line.

I have a few questions for these lobbyists. Do we have voluntary standards for whether the air our family breathes is going to be clean? Do we let each powerplant decide how much it is going to pollute? That may be what some people want, but I don't think it is a good idea.

Do we let sewage plants decide how much toxic waste they are going to send into the water our kids drink? Of course not. When it comes to physical security, do we have voluntary standards for security at airports, standards where each airport gets to decide whether they are going to check bags and how? Of course we don't. When thousands of Americans lives are on the line, we set minimum standards. We have to do exactly the same thing here.

Let me go into what this amendment would do. First, it would require minimum standards for improving security and reducing potential hazards at chemical plants and other industrial facilities that store large quantities of hazardous materials. Specifically, the bill would require identification of high-priority chemical facilities within 1 year of enactment. These high-priority facilities are the very dangerous ones, the plants that have significant quantities of toxic or flammable chemicals and the ones located near major population centers.

This amendment would not affect facilities located in remote areas, including the vast majority of agricultural facilities.

The PRESIDING OFFICER. The 5 minutes of the Senator have expired.

Mr. EDWARDS. I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, and I will not object, I always enjoy hearing from candidates for higher office.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. EDWARDS. The Senator from Arizona should know, having been a candidate for higher office himself. I appreciate his courtesy.

For the high-priority plants, the amendment would create a process where the plants are required to figure out what their vulnerabilities are and then address them. It is that simple.

Senator CORZINE has been extremely reasonable in accommodating legitimate concerns. For example, we heard from some farm groups that they wanted the Department of Homeland Security taking on key tasks under the bill, not EPA. Therefore, we have made those changes.

But let me mention one thing in this bill that has not changed and that has become controversial for reasons I do not understand. This bill requires what is called hazard reduction. It says to chemical plants: If you can use a safer chemical, you have to use a safer chemical. This should not be a controversial idea. We all try to practice hazard reduction every single day. We put our kids in car seats when we are driving, and we cover up electric outlets. We wear seatbelts. That is what we are talking about. We are talking about individual lives.

Here we are talking about thousands and thousands of lives. We have to reduce these hazards. Terrorists want to attack targets where they can hurt as many people as possible. If we can make chemical plants less dangerous, the terrorists are less likely to attack them.

This works in the real world. Right near Washington, DC, the Blue Plains sewage treatment plant has completely eliminated its use of chlorine gas. Before, if it had been attacked, the chlorine gas could have been released and blanketed this city in a deadly cloud.

Now they use a less dangerous substance that gives them the same results. We need to make sure that every plant takes the same approach.

A GAO report, issued last month, found that neither the EPA nor other Federal agencies have gone far enough to gather information about plants' vulnerabilities and to reduce their level of risk. The report recommended legislation that would:

> require these chemical facilities to expeditiously assess their vulnerability to terrorist attack and, where necessary, require these facilities to take corrective action.

This should not be a partisan issue.

Let me quote a recent statement by former Senator Warren Rudman, a Republican, and one of the country's acknowledged experts on homeland security. Here's what he said about chemical security:

> The federal role needs to be able to set standards and make sure those standards are observed just as we do with clear air and clean water and workplace standards. I think we have to have security standards, and people are going to have to meet those standards.

When hundreds of thousands of Americans' lives could be at risk, it is not enough to hope that chemical plants will change their ways. It is not enough to ask. We have to make certain they are doing what needs to be done to make the American people safe.

I thank Senator CORZINE for his leadership, and I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Arizona.

AMENDMENT NO. 456

(Purpose: To strike the appropriation of $50,000,000 for the Maritime Loan Guarantee Program under title XI of the Merchant Marine Act, 1936)

Mr. MCCAIN. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 456.

On page 42, strike lines 16 through 22.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, with the consent of the Senator from Arizona, I ask unanimous consent that there be 30 minutes equally divided for debate prior to a vote in relation to the McCain amendment, with no amendments in order to the language of the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Reserving the right to object, I also ask that the consent include the fact that Senator CORZINE be recognized following the disposition of the matter about which the unanimous consent agreement is made.

Mr. COCHRAN. I so modify my request.

The PRESIDING OFFICER. Is there objection to the request as modified?

Mr. MCCAIN. Reserving the right to object, and I will not object, if I need a few more minutes than that—I don't think I will—I hope the Senators from Mississippi and Nevada will indulge me.

Mr. COCHRAN. Mr. President, the Senator has my assurance that will be the case.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, before I get into the amendment, we have made a preliminary examination of the—this is the reason I said to the Senator from Mississippi we may need a few more minutes—we have made a preliminary examination of the bill, and the first time through it, tragically—I say tragically because the title of this bill is ''making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.''

The first thing we find is $98 million under the Agriculture Research Service, buildings and facilities, to complete a research center in Ames, IA.

What is that all about? How in the world do you call $98 million for an agricultural research service center in Ames, IA—remember, it is designated for Ames, IA, not Des Moines, IA; Ames, IA,—that fits into a bill that is called ''making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003.'' Disgraceful.

We have $1 million for the Jobs for America's Graduates school-to-work program for at-risk young people. I am sure that is an important program. Someone will have to tell me how that is related to the title of this legislation.

There is $6.8 million from O&M Air Force to build and install fiberoptic and power improvements and upgrades at the 11th Air Force Range in Elmendorf Air Force Base in Alaska.

There is $3 million from O&M Army to build a rifle range for the South Carolina National Guard.

There is $12 million for research, development, test, and evaluation Defense-wide for airfield improvements in Alaska that may be associated—may I emphasize: may be associated—with the ground-based midcourse missile defense program.

There is requiring a study regarding delivery of pediatric health care in northeastern Oklahoma.

There is $225,000 for the Mental Health Association of Tarrant County, TX.

There is $200,000 for the AIDS Research Institute at the University of California, San Francisco, for developing a county medical program to facilitate clinician exchange between the United States and developing countries.

There is $1 million for the Geisinger Health System, Harrisburg, PA, to establish centers of excellence for the treatment of autism.

Why can't we, for once—for once—bring forward a bill—especially when we are at war, especially when we have young men and women fighting and dying—that is free of these outrageous kinds of spending? Can't we do that just once?

Well, now let's get to the $50 million for the title XI Maritime Loan Program, which is the subject of the amendment.

Mr. President, chapter 10 of the bill would provide $50 million in funding to the Maritime Administration's title XI loan guarantee program for shipbuilders and shipyards. It is not justified as part of an emergency supplemental to fund the ongoing war. Not only is the program riddled with problems, but the administration has proposed no funding for it in either its fiscal year 2004 budget or for the prior year, and for good reason. The title XI program does not serve any defense or homeland security purpose, and it should not receive funding under the guise of a wartime need.

I have never been a proponent of the Title XI program. I think that many of my colleagues must be as shocked as I to learn that $50 million for this program has been added to this emergency supplemental appropriations bill in the name of defense. The Appropriations' Committee report accompanying this bill claims that this funding is needed to help transport military equipment and supplies to deployed military forces during the time of war. Such an allegation is simply not true.

According the Maritime Administration, there are 51 vessels currently being utilized in direct support of Operation Iraqi Freedom. Only one of those 51 vessels was constructed with the use of a title XI loan guarantee. Any claims by the proponents of this mismanaged pork barrel program that it serves an essential military purpose are ridiculous.

The title XI program is, without question, one of the most wasteful and mismanaged guarantee programs in the Federal Government. Since 1998, loan defaults—loan defaults—have totaled $490 million. On Monday of this week, the Department of Transportation's Office of Inspector General released a report that details the multiple problems with the program's administration.

The IG's report details the increasing number of loan defaults, coupled with the increasing number of bankruptcies of companies that have been granted loan guarantees. The report notes that Enron—Enron—has three loan guarantees that will soon go under and cost the taxpayers $122 million—Enron.

The DOT Inspector General found that ''MARAD needs to improve administration and oversight in all phases of the Title XI loan process . . .'' The report says:

> The financial interests of the United States would be better protected through use

of compensatory loan provisions to reduce risk, improved loan application review procedures, more rigorous financial oversight of borrowers during the term of loan guarantees, better monitoring and protection of vessels and shipyards while under guarantee, and more effective stewardship of assets acquired through foreclosures.

The Senate Commerce Committee will hold a hearing next month to consider the IG's findings, along with a report being prepared by the General Accounting Office. I am informed that the GAO's preliminary findings fully support the Department of Transportation IG's findings and provide even greater detail on missteps by MARAD that, again, have led to this program having suffered losses of nearly $500 million.

I close by reminding my colleagues of just how awry this program can go when Congress jumps in without full and complete consideration of what is being done. In exchange for a Congressionally ordered monopoly for service among the Hawaiian Islands, American Classic Voyages entered into a contract to build two cruise ships in a U.S. shipyard. It is that requirement that has led to the most outrageous example of how provisions inserted to benefit special interest can and often do lead to waste and burden American taxpayers.

To help push the program, MARAD, in the face of strong political support for the project, approved a $1.1 billion title XI loan guarantee for the construction of these two vessels. Loan guarantees and commitments to this company represented over one quarter of the title XI portfolio.

On October 19, 2001, American Classic Voyages filed a bankruptcy petition under Chapter 11 of the U.S. Bankruptcy Code. The petition listed total assets of $37.4 million and total liabilities of $452.8 million. The cruise line said in its petition that it had more than 1,000 creditors, including the American taxpayers being represented by the Department of Transportation.

MARAD never once sounded the alarm that this project was in trouble. It did nothing to further protect the taxpayers' interest. To the contrary, as noted by the DOT IG in its report, just weeks before American Classic Voyages filed for bankruptcy, MARAD granted ACV additional exemptions and modifications to the requirements of the program and their contract.

The failed project is the most costly loan guarantee ever granted under the Maritime Loan Guarantee Program, resulting in the U.S. Maritime Administration paying out over $187.3 million of the American taxpayers' money to cover the loan default for this project. Only $2 million was recovered from the sale of some of the construction materials and parts.

Overall, American Classic held a total of six loan guarantees that cost the American taxpayer $329 million.

I ask my colleagues to learn from this lesson. Fifty million dollars in MARAD guarantees on a bill like this is, first, wrong. And to continue to fund this program until it is fundamentally reformed, according to the Department of Transportation's inspector general's report and an upcoming GAO report, is a criminal waste of American tax dollars. It has no place on this bill.

The Senator from Arizona and I were talking, and I believe the best thing to do, given these projects I just listed, is probably to have one amendment that we will propose tomorrow, Senator KYL and myself, to strike all of these provisions so we give everybody a chance to vote yes or no on all these provisions of the bill.

Then we can answer to the American taxpayer as to whether $98 million for Agricultural Research Service building facilities; whether money for the Mental Health Association of Tarrant County, TX; whether the Geisinger Health System in Harrisburg, PA, to establish centers of excellence for the treatment of autism are what is needed to win the war on terrorism and the war in Iraq today.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, I find, in reviewing the report of the subcommittee with jurisdiction over appropriations for the Department of Transportation, that $50 million is needed by the Maritime Guaranteed Loan Program. This is a program that provides subsidies for guaranteed loans for purchases of vessels built in U.S. shipyards and includes the guarantee for facilities or equipment pertaining to marine operations related to any of those vessels.

The committee report contends that the program is critical for those who transport military equipment and supplies to deployed military forces during time of war. There is currently only $1 million available in this account for pending and new loan guarantees. There are future maritime projects also which can use these funds.

There is a critical need for auxiliary maritime sealift capacity during time of war. This program has provided loan guarantees for companies that have ordered cargo ships which are available to serve as a military auxiliary fleet to the Department of Defense during overseas operations. Without the funding in the committee recommendation, ship owners will not have access to this financing system which has proven to help sustain our Nation's commercial, energy transportation, and military sealift needs.

I urge the Senate to reject the McCain amendment.

I yield such time as he may consume to the distinguished Senator from Mississippi, Mr. LOTT.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, let me say again that I appreciate what Senator MCCAIN does with this amendment and the effort he makes on a lot of these bills, to come to the floor with projects that are pretty hard to explain and justify. I know he is acting in good faith. I think his amendment, sort of a wraparound amendment, is going to be a very interesting one to hear discussed tomorrow.

Let me talk about title XI because I am sure he will not be surprised to hear me speak on it. I have supported the title XI program over the years. It is an important program in helping to meet our national objectives, our energy self-sufficiency, increase domestic commerce, strengthen shipbuilding, our industrial base, and a large commercial fleet of militarily useful ships to meet DOD sealift requirements in our war on terrorism, the war we are involved in right now.

The point that Senator MCCAIN made, that of the 51 ships that are carrying cargo now and perhaps, I guess, some equipment, both liquid and dry cargo, 51 of them that are involved in the effort now in the war in Iraq, only 1 of them had the title XI funds. In fact, probably if you check, you will find that most of those ships are foreign ships, ships built in foreign shipyards. I suspect probably there are some Dutch and German and, who knows, maybe even some French ships on which we are dependent. Some of them have American flags and I guess are crewed by American crews. That is all important.

But it is a tragedy in America if we don't have a maritime industry. When I go to the port in my hometown and look at the grain elevators and look at the ships hauling poultry products to Russia, there is no American flag on those ships. It is Liberian, Panamanian, Ukrainian, Russian. It is everywhere in the world but the United States.

Is this program perfect? No. Should we try to make sure that it is run better and we get more money for our investment? Yes. But I still have a real trouble with a country such as the United States not having the capability to build our own ships and be crewed with American crews. More and more and more we are dependent on foreign ships.

There are good explanations for that. I guess the market is supposed to take care of those problems, but it is a danger. How many countries in the history of the world have survived very long without their own merchant fleet? Our shipyards now are building Navy combatants basically. That is it. No cruise ships, no cargo ships. We are getting out of the business. Maybe that is OK. But I think there is a danger there.

We are dependent now on these maritime vessels to move cargo and equipment. Right now they are involved in what is going on in Iraq. This program did not get any funds in fiscal year 2003. It is true the administration didn't ask for additional funds. It did not receive any funds in the omnibus bill. That is one of the reasons why it is badly needed now. If we don't have some funds, they might have like $1 million in funds. There are no funds for the backlog in this area.

By the way, title XI is not so important to the big shipyards. The big shipyards are not in this business. When they try to get into this business, it doesn't work. The best example in the world, I guess, even though it was a victim of timing, was the cruise ship situation.

Most of this money goes to the medium and small yards, and it is a loan program. Maybe it is not administered closely enough, and I acknowledge that. We need to understand what we are doing. If we don't fund it with this $50 million, or fund it in 2004, the program is dead. I think that is a mistake for our country.

I still believe we need our own merchant fleet. I hate to see all those jobs lost—engineers and other workers—and go to the shipyards around the world. I still would like to think that those ships are on call to America as American ships.

I understand that maybe this is not the right place for it, but there is a relationship to the war that is going on right now. It does affect our future ability to make sure we have our ships and crews on call that can deliver the dry products, liquid products, and the equipment around the world.

So I urge defeat of this amendment. I reserve my right to look at the package that Senator MCCAIN may be offering later on this week.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. I yield such time as I have remaining to the Senator from Arizona, Senator KYL.

Mr. KYL. Mr. President, how much time is left?

The PRESIDING OFFICER. There are 4 minutes 53 seconds remaining.

Mr. KYL. Mr. President, I support the Senator's amendment. One could make an argument for this particular case, as the Senator from Mississippi has just done. That argument should be made in a place and a time that doesn't, however, attempt to take advantage of this funding resolution for the war.

The President sent up a request for funding for the war specifically, and Congress is responding to that in this legislation. By and large, this legislation is directed specifically to that. What is perplexing to the other Senator from Arizona and I is why we have this handful—just a handful, six or seven—of items that have absolutely nothing to do with the war, such as an agricultural research station at Iowa State University, or mental health, autistic help, and others that have nothing whatsoever to do with this war effort. There may be a good case to be made for every one of these. And there is an appropriations process for that case to be made. So why are they being put on this bill at this time? It is not fair to all of those other people who can make equally good cases for other things.

There are a lot of things that need to be done in an emergency way or with timing as a factor. There are other provisions in the bill that don't necessarily relate to the war, but don't cost any money, such as a study for this, or a change in the language on something. We don't have objection to that.

Our objection is taking advantage of this process for the expenditure of money on items that have nothing to do with the war. One of the reasons for it is because it only relates to a handful of projects, primarily for people who happen to be on the Appropriations Committee. That is not fair to the vast number of Members of this body who have equally good requests but don't happen to be in the room when the bill is put together.

That is why, as an ordinary proposition, these bills are presented to us on the floor clean. For those who are not familiar with the Senate process, that means without extraneous provisions, little pieces of pork that specific Members add on. The reason for that is because we can all trust the process from the Appropriations Committee to put out a clean bill that supports the President's request to run the war.

I commend the chairman of the Appropriations Committee and the chairman of the subcommittee. They have done a great job. That is almost entirely what was done in this case. But for these few provisions, which we will move to strike tomorrow because they don't belong on the bill, if they can sustain themselves in debate and there really is a good case for them, they will prevail through the ordinary process. If they cannot, they should be permitted to fall.

That is the reason we will urge support for the amendment when offered tomorrow and why I support the Senator's amendment this evening.

The PRESIDING OFFICER. The Senator from Arizona, Mr. MCCAIN, is recognized.

Mr. MCCAIN. Mr. President, I ask the Senator from Mississippi to grant me 2 minutes.

Mr. COCHRAN. I have no objection to the additional time the Senator is requesting.

Mr. MCCAIN. Mr. President, I just say that, in consultation with Senator KYL, and thinking about this, rather than force the Senate through a series of votes, this is an important piece of legislation. So tomorrow I will be proposing an amendment that includes the provisions that I described that I believe are extraneous and not related to this bill, as is stated in the title. I will include the $50 million for the MARAD loan guarantees.

Shortly, I will ask unanimous consent to withdraw the amendment because I will include it in the wraparound amendment that will be considered tomorrow on behalf of myself and Senator KYL and, I hope, others.

Let me finally say that I do believe the appropriators exercised great restraint. I congratulate the Senator from Alaska and the Senator from Mississippi. I believe this contains probably less unnecessary spending than any appropriations bill I have seen. Now I would like to see if it is possible to send an entirely clean bill to the President of the United States, and that would be a monumental achievement.

AMENDMENT NO. 456, WITHDRAWN

Mr. President, I ask unanimous consent to withdraw my amendment at this time.

The PRESIDING OFFICER. Is there objection?

Mr. REID. What was the request, Mr. President?

The PRESIDING OFFICER. The Senator asked to withdraw his amendment.

Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I yield the floor.

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

AMENDMENT NO. 462

(Purpose: To help the public against the threat of chemical attacks)

Mr. CORZINE. Mr. President, in a few minutes, I will send an amendment to the desk on behalf of Senator EDWARDS and me. About a half hour ago, Senator EDWARDS talked about an issue that has been one of the most serious concerns of mine and a whole host of Americans—about the state of our security and the threat to the American people, which they face by the potential of a terrorist attack on our Nation's chemical plants. There are literally thousands of chemical producers, refineries, and similar facilities in the United States where chemicals released by any of these plants could kill or injure tens of thousands—and, frankly, even millions—of Americans through exposure to highly toxic gases. That is why these facilities are potentially so attractive to terrorists.

Unfortunately, there are no Federal security standards for chemical facilities—none. So the private sector has been left to do as it sees appropriate on a completely voluntary basis. Far too many facilities simply have not stepped up to accept the responsibility. There are a number of private companies that have done everything ever thought to be necessary, but there are many that have been left out and keep vulnerabilities in front of the American people and are basically putting millions of Americans at risk.

I have a chart here that will show where—in red—these facilities are that put more than a million Americans at risk. There happens to be 11 in my State of New Jersey. It is a serious issue. There is one of those in the State of the Presiding Officer. But in a broad cross-section of our country, there are huge numbers of these facilities located in highly populated areas.

According to the EPA there are 123 facilities in 24 States where a chemical release could expose more than 1 million people to highly toxic chemicals.

There are 750 facilities in 39 States where chemical release can expose more than 100,000 people to these chemicals. Those are the States in yellow. There are 3,000 facilities spread across 49 of the 50 States where chemical release could expose more than 10,000 people. Frankly, these are pretty staggering numbers, and I think it represents a broad vulnerability across America.

The consequences of an attack on a chemical plant are potentially so horrific that it is hard for me to understand or accept inaction in this area. In fact, I would argue this body has been in sort of psychological denial, I guess, about this problem. If September 11 taught us anything, it taught us that America can no longer avoid thinking about the unthinkable. We have to face up to the Nation's most serious vulnerabilities. We have to focus on them, and we have to confront them head on.

Let me repeat one statistic. There are 123 chemical facilities around the Nation that, if attacked, could threaten over 1 million American lives. This is a big deal in New Jersey. To bring this home in specific terms, there are 11 facilities in my home State, and one petrochemical plant in the middle of downtown Newark and south Carney that exposes nearly 8 million people in the greater New York-New Jersey region—8 million people potentially exposed to toxic fumes if there were a terrorist attack, a criminal attack, or, by the way, even if there was a safety violation bringing about an explosion. We have had a number of those incidents in my State that have taken lives just because of safety considerations, let alone if the plants were under an attack by a terrorist or criminal activity.

These facilities pose a serious threat to public safety because they contain the kind of toxic chemicals that, if released, could cause those injuries I am talking about—chemicals such as chlorine, ammonia, hydrogen fluoride, the types of chemicals that were used to manufacture the bomb in Oklahoma City and the type of chemicals in Bhopal. There are all kinds of these chemicals in our cities, in our States, chemicals that serve very positive and important industrial functions but could instantly be transformed into weapons of mass destruction at the hands of terrorists.

This is not just my opinion. This is not an enviroview. This is not some hyped-up point of view. It has been documented and acknowledged time after time by experts and by the current administration.

Most recently, on March 18, the General Accounting Office issued a new report on the matter. GAO found that chemical facilities may be attractive targets to terrorists because of the extent of harm they could inflict. Yet, as GAO explained, there are no Federal laws requiring chemical plants to assess vulnerabilities and to take action to guard against terrorist attacks.

I am going to submit a summary of the GAO report. For those who need thoughtful and systematic information about the vulnerabilities, about what is not being done, I suggest they read the whole report. I ask unanimous consent to print a brief summary of the GAO report in the RECORD.

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

HOMELAND SECURITY—VOLUNTARY INITIATIVES ARE UNDER WAY AT CHEMICAL FACILITIES BUT THE EXTENT OF SECURITY PREPAREDNESS IS UNKNOWN

WHAT GAO FOUND

Chemical facilities may be attractive targets for terrorists intent on causing economic harm and loss of life. Many facilities exist in populated areas where a chemical release could threaten thousands. EPA reports that 123 chemical facilities located throughout the nation have toxic ''worst-case'' scenarios where more than a million people in the surrounding area could be at risk of exposure to a cloud of toxic gas if a release occurred. To date, no one has comprehensively assessed the security of chemical facilities.

No federal laws explicitly require that chemical facilities assess vulnerabilities or take security actions to safeguard their facilities from attack. However, a number of federal laws impose safety requirements on facilities that may help mitigate the effects of a terrorist-caused chemical release. EPA believes that the Clean Air Act could be interpreted to provide authority to require chemical facilities to assess their vulnerabilities and to make security enhancements that protect against attacks. However, EPA has not attempted to use these Clean Air Act provisions because of concerns that this interpretation would pose significant litigation risk and has concluded that chemical facility security would be more effectively addressed by passage of specific legislation.

The federal government has not comprehensively assessed the chemical industry's vulnerabilities to terrorist attacks. EPA, the Department of Homeland Security, and the Department of Justice have taken preliminary steps to assist the industry in its preparedness efforts, but no agency monitors or documents the extent to which chemical facilities have implemented security measures. Consequently, federal, state, and local entities lack comprehensive information on the vulnerabilities facing the industry.

To its credit, the chemical industry, led by its industry associations, has undertaken a number of voluntary initiatives to address security at facilities. For example, the American Chemistry Council, whose members own or operate 1,000, or about 7 percent, of the facilities subject to Clean Air Act risk management plan provisions, requires its members to conduct vulnerability assessments and implement security improvements. The industry faces a number of challenges in preparing facilities against attacks, including ensuring that all chemical facilities address security concerns. Despite the industry's voluntary efforts, the extent of security preparedness at U.S. chemical facilities is unknown. Finally, both the Secretary of Homeland Security and the Administrator of EPA have stated that voluntary efforts alone are not sufficient to assure the public of industry's preparedness.

Mr. CORZINE. Mr. President, in addition to this GAO assessment, they recommended the Department of Homeland Security and EPA, working together, develop a strategy, including a legislative proposal, to address the threats of attacks on chemical plants. I listed the highlights of their report which has a recommendation that there is a need for legislation in this area. There is a need now to protect the American people against chemical plant risks. The GAO report was released on March 18 of this year.

To continue with the acknowledgment that this is real, only a month earlier, the Department of Homeland Security, when it raised the Nation's alert to code orange, sounded the alarm about the threat facing chemical facilities. In its bulletin it sent out to State and local officials, the Department stated:

> Al-Qaida operatives also may attempt to launch conventional attacks against U.S. nuclear/chemical-industrial infrastructure to cause contamination, disruption, and terror. Based on information, nuclear powerplants and industrial chemical plants remain viable targets.

That is from the Department of Homeland Security to all State and local officials: ''Chemical plants remain viable targets,'' and we have not done anything. It is time to recognize that there is broad recognition by the administration and by those who study this issue that it is time to act. That was on February 12 of this year.

Let me go back to October 6 of last year. On that day, Homeland Security Secretary Ridge and EPA Administrator Whitman had a letter published in the Washington Post. They stated in that letter:

> The Bush administration is committed to reducing the vulnerability of America's chemical facilities to terrorist attack and is working to enact bipartisan legislation that would require such facilities to address their vulnerabilities.

They go on to say that while there have been good steps taken by private industry, there are over 15,000 chemical facilities nationwide that contain large quantities of hazardous chemicals, and they must be required to take steps that mimic industry leaders in this area.

That letter was from Secretary Ridge and EPA Administrator Whitman last October. I ask, Has the administration proposed such bipartisan legislation? Have they proposed any legislation? Have they issued any regulations to address the threat facing chemical plants? Have they even proposed any such regulations? Have they done anything—anything at all—to meaningfully address the security threats facing chemical plants? I think the fair answer is no to each and every one of those questions.

Periodically, we have seen press reports that the administration may be working on some type of proposal, and I commend that effort. I hope they will. But so far, they have shown no willingness to work on a bipartisan basis. I have sent letter after letter, question after question, made phone call after phone call, trying to enter into a negotiation, not only with the

administration, but the other side of the aisle, on this issue.

The bottom line is, a year and a half after the attacks of September 11, there still has not been a serious response with regard to what we are doing here.

In fact, the Nation has known about this problem for a very long time. The Department of Justice issued a report on this matter a year and a half before September 11. Let me read a brief excerpt from a summary of that report which was issued on April 18, 2000:

> We have concluded the risk of terrorists attempting in the foreseeable future to cause an industrial chemical release is both real and credible.

Again, April 18, 2000:

> Terrorists or other criminals are likely to view the potential of chemical release from an industrial facility as a relatively attractive means of achieving these goals.

That report was issued before September 11. Its conclusion has been echoed by other Government agencies and in private studies with regard to vulnerabilities in our infrastructure.

I will not relate them all, but the warnings have been repetitive, from the Hart-Rudman Commission to the Department of Homeland Security on February 12 when they issued their code orange alert.

While some companies may well be doing an outstanding job in securing their facilities, many are not. Simply relying on voluntary standards just is not working, and if we are going to protect America from the threat of terrorist attacks on chemical facilities, we need to do more. That is why in October 2001 I introduced the Chemical Security Act. That is why I worked with Senators on both sides of the aisle to move the legislation through the Environment and Public Works Committee. Ultimately, the committee approved the legislation on a rollcall vote of 19 to 0. Not a single Senator voted no—not a single Senator.

The amendment I am offering today, along with my good friend, the distinguished Senator from North Carolina, Mr. EDWARDS, is based on the legislation that was approved by the committee on a 19-to-0 vote. However, we have made a few changes in good faith to make it more acceptable to industry and to win broader support.

The legislation requires the Department of Homeland Security and EPA to do three things: First, the Department has to identify high-priority chemical facilities, those that potentially put a large number of people at risk.

Second, they must require those high-priority facilities to assess their vulnerabilities to develop and implement plans to improve security and use safer technologies.

Third, these assessments and plans would have to be submitted for review by the Department of Homeland Security. The changes could be required if deficiencies are identified. That is the amendment in a nutshell. It is a simple, commonsense approach that would establish standards and ensure some balance at this time.

Last year, after my legislation was approved unanimously in committee, some in industry expressed concerns. Industry opposition ultimately killed the bill, kept it from even coming up for debate on this floor. Opposition to the bill was largely based on two points, both of which I am going to try to address, with changes from what came out of committee.

First, opponents argued that the responsibility for overseeing chemical security should rest with the Department of Homeland Security rather than the Environmental Protection Agency. I proposed giving the responsibility to EPA for a reason. They have the expertise on chemical plants. They have the expertise on dealing with these highly toxic chemicals. Under the Clean Air Act, they already have a requirement to oversee. They have the expertise. DHS does not.

On the other hand, I recognized from the start that the EPA did not have the expertise to evaluate security arrangements. So we originally asked the Department of Justice back in October of 2001—we have subsequently changed that to the Department of Homeland Security—and now we have put the Department of Homeland Security as the lead agency in charge of what has been requested by those in industry because they wanted security to be the primary element. So we have responded.

Having said that, I also acknowledge that in spite of EPA's expertise, the latter was necessary. So in an effort to broaden support for our proposal, we continue to modify and we reflect others' concerns.

The second concern raised by industrial lobbyists about the bill, again unanimously approved by the EPW Committee, focused on the bill's provision to require businesses to shift to safer technologies, to the extent practical.

I will take a moment to explain why this provision was included and why it is so important. It is not just enough to put barbed wire on high fences around the place when some attacks could come over those walls—planes and other things—which we have begun to understand can happen post-September 11. We know no matter how high we build those walls a committed terrorist can get to those facilities, and it becomes important to make sure the facilities are as safe as they possibly can be without putting companies out of business. To truly protect the public, we need to do more. We need to take steps to build in better inherent technology.

I have seen a great example of that in Washington, DC, as I think Senator EDWARDS mentioned, at the Blue Plains Sewage Treatment Plant. Prior to September 11, they were storing chlorine and sulfur dioxide in car trains just across the river. Both are volatile, dangerous chemicals. If those tanks were attacked, a poisonous cloud could have been over Washington, DC. It would have been one of those places where roughly a million people could have been exposed—certainly hundreds of thousands, including the Capitol and the White House.

Business recognized this was a risk and did something about it. In fact, we should be quite proud of business taking an initiative on a voluntary basis to address this problem. They changed from chlorine to sodium hypochlorite, which is a strong version of bleach but much safer, less volatile. It is going to cost 25 to 50 cents a year for those who drink water in the District, but I think it is a small price to pay to bring about the kind of safety considerations that the public and the community would expect. It sounds like a bargain to me.

To the extent practical, we need to find ways to move away from dangerous and toxic chemicals to other chemicals or other processes that protect and make the processes safer. I understand it is an expensive process. So what I have done in this amendment, as opposed to in the original bill, is I have offered economic incentives and economic support to those companies that transform to safer technologies. For those businesses that need help, I have put $50 million into this bill to make that process better. So we have a second element that really has tried to accommodate some of the concerns that people had in this regard and how onerous it might be.

We have a problem. We have some obvious steps to deal with it and we have tried to get the private sector to move in a direction that will enhance both the security and bring about safer technologies that will protect people.

So that is it. I think it is an extremely important initiative that needs to be taken in the context of the homeland security efforts that are included in this supplemental. I hope people will take this seriously, as Senator EDWARDS, Senator JEFFORDS and others have, as 19 Senators in EPW did when we voted on this after much review and discussion.

I am eager to work with the administration. I am eager to work with those on the other side of the aisle to make sure we have an initiative to protect our chemical plants, which is really about protecting the American people. I hope we can move to this goal. This should be one of the No. 1 steps we have in this process.

I send the amendment to the desk on behalf of myself and Senator EDWARDS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Jersey [Mr. CORZINE], for himself, and Mr. EDWARDS, proposes an amendment numbered 462.

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

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

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. CORZINE. Again, I urge my colleagues, before we have a chance to vote on this amendment in the coming days, to sit down and look at this in a serious minded way, knowing that we have addressed some of the problems and that we can move forward to have a positive embracing of real steps to protect the American people from exposure we have to chemical plants.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I deeply regret that as manager of the bill I am constrained to make a point of order that the Senator's amendment violates rule XVI and that it is legislation on an appropriations bill. It is a totally new title, and while we do have some clauses that might be legislation, we have not accepted any bills as such. I make a point of order under rule XVI that it is legislation on an appropriations bill.

The PRESIDING OFFICER. The Chair is prepared to rule. The amendment does constitute legislation on an appropriations bill. The point of order is sustained.

The Senator from New Jersey.

Mr. CORZINE. Mr. President, I ask unanimous consent that the amendment be considered in order notwithstanding rule XVI.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I object.

The PRESIDING OFFICER. Objection is heard.

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

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

AMENDMENT NO. 451, AS MODIFIED

Mr. STEVENS. Mr. President, I am informed there is a modification of the Allard amendment at the desk.

The PRESIDING OFFICER. Yes, there is.

Mr. STEVENS. I ask unanimous consent that the Allard amendment be replaced by the modification—a total substitute.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be so modified.

The amendment (No. 451), as modified, is as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—PANEL TO REVIEW SEXUAL MISCONDUCT ALLEGATIONS AT UNITED STATES AIR FORCE ACADEMY

SEC. 501. ESTABLISHMENT OF PANEL.

(a) ESTABLISHMENT.—There is established a panel to review allegations of sexual misconduct allegations at the United States Air Force Academy.

(b) COMPOSITION.—The panel shall be composed of seven members, appointed by the Secretary of Defense from among private United States citizens who have knowledge or expertise in matters relating to sexual assault, rape, and the United States military academies.

(c) CHAIRMAN.—The Secretary of Defense shall, in consultation with the Chairmen of the Committees on Armed Services of the Senate and House of Representatives, select the Chairman of the panel from among its members under subsection (b).

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(e) MEETINGS.—The panel shall meet at the call of the Chairman.

(f) INITIAL ORGANIZATION REQUIREMENTS.—(1) All original appointments to the panel shall be made not later than May 1, 2003.

(2) The Chairman shall convene the first meeting of the panel not later than May 2, 2003.

SEC. 502. DUTIES OF PANEL.

(a) IN GENERAL.—The panel established under section 501(a) shall carry out a study in order to determine responsibility and accountability for the establishment or maintenance of an atmosphere at the United States Air Force Academy that was conducive to sexual misconduct (including sexual assaults and rape) at the United States Air Force Academy.

(b) REVIEW.—In carrying out the study required by subsection (a), the panel shall—

(1) the actions taken by United States Air Force academy personnel and other Department of the Air Force officials in response to allegations of sexual assaults at the United States Air Force Academy;

(2) review directives issued by the United States Air Force pertaining to sexual misconduct at the United States Air Force Academy;

(3) review the effectiveness of the process, procedures, and policies used at the United States Air Force Academy to respond to allegations of sexual misconduct;

(4) review the relationship between—

(A) the command climate for women at the United States Air Force Academy, including factors that may have produced a fear of retribution for reporting sexual misconduct; and

(B) the circumstances that resulted in sexual misconduct at the Academy; and

(5) review, evaluate, and assess such other matters and materials as the panel considers appropriate for the study.

(c) REPORT.—(1) Not later than 90 days after its first meeting under section 501(f)(2), the panel shall submit a report on the study required by subsection (a) to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives.

(2) The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

SEC. 503. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—(1) Members of the panel established under section 501(a) shall serve without pay by reason of their work on the panel.

(2) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this title.

(b) TRAVEL EXPENSES.—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

Mr. STEVENS. I ask that we consider the Allard amendment as pending before the Senate and it be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 451), as modified, was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. KERRY. Mr. President, on behalf of myself, Senator SNOWE and Senator BENNETT, I am offering an amendment to the FY2003 Supplemental Appropriations bill in order to make available an additional $1 billion in government guaranteed loans to small businesses.

Let me make clear to my colleagues that we are not requesting additional money for the Small Business Administration. This amendment is technical, clarifying a provision enacted as part of the Conference Report to H.J. Res. 2, the FY2003 Omnibus Appropriations Act. It clarifies that Congress intends that the SBA to use a more accurate method—known in the technical terms as an econometric model—to estimate the cost of all small business loans authorized under Section 7(a) of the Small Business Act of FY2003.

Right now the SBA is only using the new method to estimate the cost of ''regular'' 7(a) loans, treating differently 7(a) loans—known as Supplemental Terrorist Activity Relief (STAR) Loans—made to small business victims of the 9/11 terrorist attacks. This inconsistently affects the overall program by leaving it short on lending dollars at time when demand for loans through the SBA's flagship loan program is up 38 percent. If the SBA will use the new, more accurate method to calculate STAR loans, it will mitigate the shortfall by making available an additional $1.2 billion in loans to small businesses. This amendment clarifies the SBA's authority to do this.

I thank Senator HOLLINGS, GREGG, BYRD and STEVENS for their help on this important issue.●

Mr. STEVENS. I am advised by the majority leader, with the consent of the minority leader, there will be no more votes tonight. We expect a series of votes in the morning, and we urge Senators to let us know if there are any amendments that have been hinted at, to let us know if they intend to raise them tomorrow.

We expect a full day tomorrow, and we hope to finish this bill tomorrow night. I thank all Members for their courtesy and consideration and yield to my friend from Nevada.

Mr. REID. I confirm that the Democratic leader has said he believes it is very important to finish this bill tomorrow. That way, we can conference this and have the bill on the President's desk before we take a break for Easter. As we know, this is wartime and we need to finish this legislation as quickly as we can. We are going to do everything within our power on this side, and I know the Senator from Alaska will do everything on his side, to move this along.

Mr. STEVENS. I thank the Senator from Nevada. He is very cooperative and very much aware of the problems dealing with the floor from his own experience, and I appreciate his help on this bill no end.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

RULES OF THE COMMITTEE ON APPROPRIATIONS OF PROCEDURE

Mr. STEVENS. Mr. President, the Senate Appropriations Committee has adopted rules governing its procedures for the 108th Congress. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator BYRD, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

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

SENATE APPROPRIATIONS COMMITTEE RULES—108TH CONGRESS

I. MEETINGS

The Committee will meet at the call of the Chairman.

II. QUORUMS

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. PROXIES

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. ATTENDANCE OF STAFF MEMBERS AT CLOSED SESSIONS

Attendance of Staff Members at closed sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARING

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the Full Committee for its decision.

VI. AVAILABILITY OF SUBCOMMITTEE REPORTS

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. AMENDMENTS AND REPORT LANGUAGE

To the extent possible, amendments and report language intended to be proposed by Senators at Full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. POINTS OF ORDER

Any member of the Committee who is floor manager of an appropriation bill, is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriation bill.

Mr. HATCH. Mr. President, I ask unanimous consent to have printed in the RECORD the Rules of Procedure for the Committee on the Judiciary for the 108th Congress.

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

UNITED STATES SENATE COMMITTEE ON THE JUDICIARY—RULES OF PROCEDURE

I. MEETINGS OF THE COMMITTEE

1. Meetings may be called by the Chairman as he may deem necessary on three days notice or in the alternative with the consent of the Ranking Minority Member or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee, at least 48 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. On the request of any Member, a nomination or bill on the agenda of the Committee will be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. QUORUMS

1. Ten Members shall constitute a quorum of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. For the purpose of taking sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, a Member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a rollcall vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the minority.

V. SUBCOMMITTEES

1. Any Member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless he is a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the chairman, except as agreed by a major vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

VI. ATTENDANCE RULES

1. Official attendance at all Committee markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee markups and executive sessions shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and ranking Member, in the case of Committee hearings, and by the Subcommittee Chairman and ranking Member, in the case of Subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

MILITARY CONTRIBUTIONS OF THE MARSHALL ISLANDS, MICRONESIA AND PALAU

Mr. AKAKA. Mr. President, I join my colleagues on the Senate Committee on Energy and Natural Resources in clarifying the portrayal of the military contributions of three island nations with which the United States has a unique political relationship referred to as free association: the Republic of the Marshall Islands, RMI, Federated States of Micronesia, FSM, and Palau. Last week an article in The Washington Post entitled ''White House Notebook: Many Willing, But Few Are Able'' referenced the military contributions of the Freely Associated States, FAS, in a droll and flippant manner. Regrettably, this poorly researched attempt at wit missed its mark. I want to set the record straight.

The Compact of Free Association between the United States and these strategic Pacific island nations serves our national security interests in the Pacific region by providing the U.S.