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

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Frank Cirone of Ravencrest Chalet at the Torchbearer Bible School, Estes Park, CO.

PRAYER

The guest Chaplain offered the following prayer:

Hear my cry, O God;
Give heed to my prayer.
From the end of the earth I call to You when my heart is faint;
Lead me to the rock that is higher than I.
For You have been a refuge for me,
A tower of strength against the enemy.
Let me dwell in Your tent forever;
Let me take refuge in the shelter of Your wings.—(Psalm 61:1–4)
Know that the Lord Himself is God;
It is He who has made us, and not we ourselves;
We are His people and the sheep of His pasture.—(Psalm 100:3)
Heavenly Father, Almighty God, we come before You today acknowledging You as Creator of this universe and Sovereign Lord over all. We have so much to be thankful for. We bless You for the privilege of living in this land of freedom. We bless You for the wonderful salvation we can have through the shed blood of Your Son, Jesus Christ and life eternal by His resurrection. We praise You, Lord, for the wisdom and peace You give as we call upon Your name.

Sovereign Lord, we pause for a moment... to pray for the men and women of our Armed Forces that are fighting for the freedom of Iraq. May they know of Your constant strength, wisdom, and protection through this conflict. May they be reminded of our love, prayers, and support. Please, Lord, comfort the families and friends of lost loved ones in their time of sorrow.

Dear God, empower these men and women of this Senate with Your courage and understanding as they are faced with the challenges of today. Thank You, Lord, for placing them in their positions of leadership as Senators of this great Nation.

As we live in these challenging times nationally and internationally, may we learn to slow down, step up, and stand out in Your strength, allowing Your love and life to shine through our lives publicly and privetely so that Your name, O God, will be exalted. Use us today, O Gracious Lord, for Your purpose and praise! We pray all of this in the name of Jesus Christ, Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID, a Senator from the State of Nevada, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. SUNUNU). The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period of morning business until 10 a.m. to allow Members to continue to make statements honoring and supporting our fighting men and women overseas.

At 10 a.m., the Senate will resume consideration of the supplemental appropriations bill. As I announced last night, the chairman has developed a lineup of amendments. Senator BOXER will offer first with an antimissile amendment. Then we will try to reach a 30-minute time limitation on her language. I understand following that amendment, Senator BAYH will be prepared with an amendment regarding bioterrorism, and Senator GRAHAM of Florida will have an amendment regarding VA health.

Votes will be stacked in the early afternoon to accommodate the schedules of a number of Senators. The Senate will complete action on the supplemental bill today. If Members continue to cooperate and allow for short debate limitations on their amendments, it may be possible to finish at a reasonable hour today. That is my hope. In any event, we all are prepared to stay as late as necessary in order to finish the bill this evening.

The PRESIDING OFFICER. The Senator from Colorado.
making the trip to Washington, DC and participating today in the opening prayer of the Senate.

SUPPORTING OUR TROOPS

Mr. FRIST. Mr. President, I have a short statement to make on our troops.

Very briefly, we have taken a period of time each morning to comment on the wonderful work and tremendous commitment and dedication our troops are displaying overseas for us, and we have the opportunity to comment on the families at home, offering prayers and support for their children, and in many cases for their spouses and their parents as well. They know the men and women are fighting for liberty, democracy, and peace.

This morning, my thoughts and prayers are with the family of the soldier who died during Operation Iraqi Freedom, SP Brandon J. Rowe, Company C, 1-32nd Infantry, 101st Airborne Division, Air Assault, Fort Campbell, KY.

Two sentences caught my eye from the Army news release:

Specialist Rowe epitomizes the best of our country—a brave soldier—who exhibited courage, selfless service, and honor in abundance. His ultimate sacrifice has contributed immeasurably to the freedom and security of both Iraq and the world.

While liberating Najaf, the 101st Airborne has been met over the last 48 hours by grateful people waving and clapping hands and saying, "Good job."

Quoted yesterday in the Washington Post, LTC Chris Hughes, a battalion commander in the 1st Brigade:

We waited about an hour and a half, and the hair on the back of my neck began to stand up. The crowd got bigger and bigger, so we pulled back out. But it was like the liberation of Paris.

Our newspaper in Nashville, the Tennessean, reported yesterday that a soldier in the 101st will soon learn he is a new father—again showing the many dimensions of this war and its impact on families and the feelings families are expressing and sharing among themselves. SGT Chris Schornak's wife Robyn gave birth to Tristan James Schornak at 201 P.M. on Tuesday. He was born at NorthCrest Medical Center in Springfield. The mom and young Tristan are doing well and will soon be living with relatives in Franklin, KY.

Again, these are faces of our families and our troops, and to all of them our thoughts and prayers continue to go out.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with the time equally divided between the Senator from Texas, Mrs. Hutchison, and the Democrat leader, or their designee.

The Senator from Colorado is recognized.

HONORING OUR ARMED FORCES

Mr. ALLARD. Mr. President, Members of the Congress have been receiving reports on a daily basis on the conflict in Iraq. At these briefings, I report back to Members of the Congress and America that things have been going well, much better than many expected, in the war in Iraq.

What we have been getting out of these briefings is just how highly trained are our men and women in the Armed Forces and how the technological developments of this country have helped make their job easier on the battlefield. We have learned to appreciate their courage and commitment to protecting America's freedom.

Today marks the 14th day of Operation Iraqi Freedom, and the fight for freedom continues in the Middle East. Our brave members of the U.S. military have shown the entire world how it is possible for the United States to end the dangerous regime in Iraq. By sacrificing their lives so those in Iraq can finally be allowed peace, coalition forces continue to courageously march toward Baghdad.

During the last 14 days, I, along with many of my colleagues, have continued to come down to the Senate floor daily to honor our troops and praise their valor. While we stand in the safety of the Capitol Building, our words will not be heard by those who are directly in harm's way, but the words are still needed.

It is important for us to continue to honor these men and women, some of whom will not come home, who fight for freedom and the safety and security of the United States of America. I would like at this time to honor some of those brave men and women from my home State of Colorado who this very day are being moved into the Persian Gulf.

The 3rd Armored Calvary Regiment as well as the 3rd Brigade Combat Team have been deployed from Fort Carson over the 3 weeks and continue to do so today. Many of these individuals have been waiting for the chance to serve with their comrades already participating in Operation Iraqi Freedom. I salute them for their bravery.

It is clear that after all of the deployments from Fort Carson are completed, it will be the largest mobilization from the base since World War II. I sincerely hoped that the course of events that have led to the mobilization of soldiers not only from Colorado but those stationed all over the world will not have happened. But it was apparent from the beginning that our Armed Forces would need to be involved in the manner that they are now. And they have performed admirably. I pray for a safe return for our troops and that this conflict can end as soon as possible.

I would be remiss if I did not mention the names of our military personnel who will not be returning home. I offer my condolences to those families whose sons and daughters have already been lost. To the families of LCpl Thomas Slocum and CPL Randal Kent, I give my deepest and most sincere sympathies for the loss of their sons. In their passing, they have continued the finest traditions and the best values of the American military and the country which they serve.

They have fought bravely, and they have fought victorious thus far. They will be victorious from now on. And they will be victorious in the end.

To the brave women and men who gave their lives in the service of their Nation, to their families and friends, the people they love and the people who love them, we express our heartfelt gratitude and our deepest sorrow and condolences. We are in awe of your courage, your heroism. As the families and friends of those fallen heroes who are your friends and neighbors, your coworkers and church members, we know that you have suffered the most grievous losses and must be suffering inestimable pain. Our hearts go out to...
you. Our prayers are with you. We stand beside you ready to help in any way we can.

We say also to the families and friends of American soldiers wounded or captured or missing or still fighting or still deployed in Iraq, please let us know how to support you and assist you during these difficult times. Our prayers are with you also for the swift recovery and safe return of all of our troops back to their country, their fellow citizens who are so proud and so grateful of them.

I also want to pay my respects to the military command responsible for the planning and execution of this engagement. Secretary Rumsfeld, Chairman Myers, the Chiefs, you have served our country and you continue to serve our country with great honor and distinction in carrying out your duties, your oaths of office to the best of your abilities. You are succeeding. You are winning this war. Some may not agree with everything you are doing. I don't agree myself on everything. But you have earned my utmost respect and admiration for your dedication and patriotic service to our country. You do not deserve the backstabbing, the second-guessing, the Morning quarterbacking which has dogged your every decision. Former President Dwight Eisenhower once said:

Any high school kid can do better with a presidential decision with 20,000 hindsight than a president can at the time when he only has partial information and is operating by his wits.

It is all too easy for someone with a military background to sit in judgment in hindsight. I do not disagree with their constitutional right to do so. I dispute their judgment in doing so. I question their motives for doing so, as some appear to be vying to become the next network analyst or the next major Republican or Democrat unit. We have an effect on our work here in the Senate. We don't have Democrat units and we don't have Republican units. We don't have conservative or liberal generals. The political labels would seem silly and irrelevant in comparison to the importance of the task.

Maybe we could catch some of that spirit around here. The American people want solutions, not a partisan rugby match, and we should give them what they want.

Finally, let me close on a different note. Those of us in our Nation's Capitol these days are experiencing a stark increase. On one hand we are hearing a somber mood about the war, as we receive the reports of danger and sacrifice. But at the same time, the city of Washington is bursting with the beauty and hopefulness of spring. The cherry blossoms are in full bloom. They are famous all over the world. But these cherry blossoms have a tale of hope for us all in these times, and I will tell it very quickly.

The Washington cherry trees were a gift to the American people from the Emperor of Japan in the 1900s as an expression of friendship. In World War II, allied bombing of Tokyo resulted in the death of most of the cherry trees around the Emperor's palace. After the war ended, a group of Washingtonians went to Japan and brought back a set of cuttings from our trees here and brought them back to Japan to restore their trees. If you travel to Japan, you will see the trees which grew from Washington's tree which came here as a gift.

We are not fighting in Iraq for oil or territorial ambition. We are fighting to protect our own people in a world that has brought threats to our doorstep. We are fighting as the only hope for the freedom of the people of Iraq against their tyrant. Justice is being done. But what the world is about to see will have an even greater impact.

As we move to rebuild Iraq, the people of the world will see American generosity and ingenuity and values at their best. A dark cloud on the future is being removed and a new light is about to shine.

Let's do our part, my fellow Americans, and make this a better country today before we go to bed tonight, as a tribute to our brave men and women who are fighting for us around the clock. Our support is with them. May God bless them all.

May God bless the United States of America.
The PRESIDING OFFICER (Ms. Murkowski). The time on the majority side has expired.

The Senator from Nevada.

Mr. REID. I am happy to yield time to the distinguished Senator from Montana.

Mr. BURNS. I thank my good friend from Nevada. I am having a little trouble getting organized today. I will try to pick it up a little bit to the likings of the assistant minority leader.

I am glad my good friend from Minnesota, who is newly elected to this body—and, I will tell you right now, he is a contributor, and I think he has a great future here—did bring us back to reality. The city of Washington does have quite a lot of beauty. As the cherry blossoms are out and the blossoms start to open here, I always think: Everything is going to work out. Whatever the problems are in the world, or the problems and trials of serving in a legislative body, or an economy that continues to struggle and is on the minds of all of us is—this is the situation we find ourselves in, in terms of the spring, as we look ahead as a city, I just think it is God's picturesque way of reminding us of the Earth's renewal. It comes every spring just as a reminder that that is one institution that we haven't been able to change.

I hail from the state of Montana, who is at Walter Reed Army Hospital, Army SGT Charles Horgan. I haven't been able to get out and visit him yet. He is from Helena, MT. He is recovering out there from wounds received in Iraq. I am sure the hearts of everybody who shares our concerns about one life, one human, go out to him and his folks today.

Back in 1991 I had a chance to visit a Marine unit out in the desert. It was my old outfit, in which I served, the F-212, 3rd Marine Division. But I served back in the stone age. These are the new warriors with new equipment, new technologies. I did that back in 1991.

The mindset and the American institution of the military and their enormous ability to withstand hardships for a principle and a way of life is almost above human imagination. As we were flying out in that desert, the commanding officer, Walt Boomer, General Boomer, he said: Senator, they may complain a little bit that they are not getting mail.

I said: We will try and handle that. But if you figure we had 400,000 to 500,000 people in the Middle East, if everybody wrote a letter to every soldier, sailor, marine, coast guard, or airman over there, that is a lot of mail to handle per day, to try to get it out to the right people in a timely fashion.

But I found out that was not what their complaint was. They were out of tobacco. We finally helped that situation.

There is a long tradition of writing letters and sending care packages to the troops stationed away from home, but the general public is urged not to send unsolicited mail, care packages, or donations to the service members now deployed in Iraq. The Department of Defense has set a strict policy of only family members sending mail and packages to their service members. So if you want to write to a person over there and he is not in your immediate family, we ask that not be done.

So this leaves many people at a loss when they want to support the troops, to say thank you, but have no direct point of contact. We see that they are finding ways, through American imagination, to take care of that. Even without those care packages, there are many other efforts that can be made to support our troops in the field and also their families at home.

I have put together an information pamphlet, which is available in all my offices, in the State of Montana, that includes national programs and local Montana programs set up to allow people to extend a helping hand to our soldiers but, more importantly, I think to provide support for their families at home. It is called Operation: Homefront. It is a program that is set up to easily and efficiently inform people about how they can help or contribute to this operation.

There is nothing better for the morale of our troops. We understand the sacrifices they are making. We understand where they find themselves. And they also understand us who are trying to support them and their families any way that we can.

It is also comforting for those in the field to know their loved ones back home are being taken care of when push comes to shove.

I think Operation: Homefront will be an excellent tool for getting information out to people. Supporting our troops is something we think about every day. We appreciate their risks and the sacrifices they are making.

There is a reminder to my colleagues. If you are concerned about what the war is going to cost, and you want to participate and help us out in just a little way, there is a way. Back in 1991, we offered a brand new bond on the market. We called it the Patriot Bond. And if you want to buy a bond for your child or your grandchild, or whomever, I think you can go to wherever they sell these bonds—I don't know where they sell them. I have a couple of them—and buy your grandchild a bond and help us out.

I just because there is combat today, the mission will not be over until the Iraqi people are liberated and an interim government is set up so freedom can work. It will allow the Iraqi people to grow and to taste the fruits of freedom and to improve their quality of life. Every life in the world is deserving of that.

So if you are inclined to do so, go inquire about a Patriot Bond. I think it would sure help us out, and it also would, I think, maybe help you out also.

Mr. WARNER. Mr. President, I seek recognition to honor two Virginia Marines: Staff Sgt. Donald C. May of Richmond and Sgt. Michael Vernon Lalush of Troutville, who were among the first of our servicemen killed in action in Operation Iraqi Freedom; and to express gratitude, on behalf of the Senate, for their service to our Nation. The American people, I am certain, join in expressing their prayers and compassion to the families they leave behind.

The media in Virginia have given the following important coverage:

Staff Sergeant Donald C. May, Jr. was so inspired by the military service given in past years by his father and mother that he followed in their footsteps and began to chart a course for himself with military training. He was fulfilling that dream when he tragically killed on Tuesday when his tank went off a bridge into the Euphrates River.

He leaves behind: his mother, Brenda May; his wife, Deborah; son, Jack; stepdaughter, Mariah; and another son yet to be born.

Mr. REID. He is a member of the U.S. Naval Sea Cadets from age 12 to 18 and was also a police explorer.

Upon graduation from Meadowbrook High School in 1990, he joined the United States Marine Corps, and served 4 years in the military police. He finished boot camp just in time to serve in the last few months of the first Gulf War in 1991, involving security over Iraqi prisoners.

After the first Gulf War, Staff Sergeant May left the Marines for 2 years, serving as a reservist, after which time he returned to active duty as a tank commander, just like his dad, who is now deceased.

During his second deployment to Iraq, Staff Sergeant May was in the 1st Tank Battalion, 1st Marine Division, based at Marine Corps Air-Ground Combat Center in Twentynine Palms, CA.

Sergeant Michael Lalush always seemed to have a knack for fixing things. He always worked with his hands on equipment, tinkering with lawnmowers and cars. As a teenager, he brought home to his own garage a pink 1965 Volkswagen Beetle, rebuilt it and in no time was driving it around the neighborhood.

Sergeant Lalush was challenged in the military and had a great longing to serve his country. After graduating from Lord Botetourt High School, he left for boot camp.

Tragically, Sgt. Lalush's short military career ended on Sunday when he was killed in a Huey helicopter crash while serving in a Marine Light Attack Helicopter Squadron in southern Iraq. He had been deployed from the Marine Corps Air Station at Camp Pendleton, CA.

Reportedly, in his final e-mail message that the family received last Wednesday, Sergeant Lalush said he
was finally discovering his dream in Iraq. He told his parents that he was finally using his skills to help people.

Sgt. Michael Lalush leaves behind his parents, David and Rebecca Lalush.

Mr. President, we have lost two exceptional sons of Virginia. Their courage and unswerving service to our great country will not be forgotten. As we think of their families in mourning, let us not forget that these fine young men gave the ultimate sacrifice so that every American could continue to live in freedom.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

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

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 762, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 762) 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.

Pending:

Stevens amendment No. 435, to increase the National Debt Ceiling of the United States.

Reid amendment No. 440, to provide critical funding to safeguard nuclear weapons and nuclear material in the United States and around the world.

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.

Mrs. BOXER. Madam 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. 472

(Purpose: To set aside $30,000,000 for the Department of Homeland Security for research and development and deployment of technology to protect commercial aircraft from the threat posed by man-portable air defense systems)

Mr. BOXER. Madam President, 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 California [Mr. BOXER], for himself and Mr. SCHUMER, proposes an amendment numbered 472:

In chapter 6 of title I, add at the end the following:

GENERAL PROVISIONS, THIS CHAPTER

SEC. 601. Of the amounts appropriated by this chapter under the heading “DEPARTMENTAL MANAGEMENT” under the heading “COUNTERTERRORISM FUND”, $30,000,000 shall be available for the Secretary of Homeland Security, in consultation with the Secretary of Defense and the Federal Aviation Administration, for research and development and, for the initial deployment of, technology to protect commercial aircraft from the threat posed by man-portable air defense systems in order to reduce the costs of such technology and to provide for the adaptation of military countermeasure systems to commercial aircraft.

Mrs. BOXER. Madam President, I thank the clerk.

If my colleague would like to make a statement at this time, I would be happy to yield, without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I thank the Senator from California. My only reason for standing right now is to inquire of the Senator from California if it is possible to have a time limit on her amendment.

Mrs. BOXER. I absolutely will agree. I am waiting for my coauthor, Chuck SCHUMER. As soon as we get word as to how much time he would need, yes, we would definitely want to do that.

Mr. STEVENS. Madam President, I do thank the Senator from California. It is our hope that we will be able to get all of the amendments that are in line now completed in time to start voting by 11:50, following the Democratic caucus. So I appreciate her courtesy. And if she could enter into a time agreement, I would like to explore that. I thank her for her courtesy.

Mrs. BOXER. I thank my friend. And, yes, as soon as we get word, I will ask for a quorum call, and then we will make an agreement on the time.

Whether we speak about this for a half hour or 2 days, this is a very important amendment. I think of the things we learned after 9/11, tragically, is that we have to take warnings very seriously—our intelligence agencies, we, as a Congress, the administration, all of us working together.

We know now that there is a threat out there that is very real. We have constructed an amendment that does not add any money to this bill but merely says that out of the funds that have been allotted for homeland defense, that $30 million be available immediately for research and development of countermeasures that could be taken should a shoulder-fired missile be aimed at a commercial aircraft.

I want to read to you the latest statement of the FBI. This is the FBI warning, which really must not go unheeded if we are to do our job:

Given al-Qaeda’s demonstrated objective to target the U.S. airline industry, its access to U.S. and Russian-made MANPAD systems.

MANPAD stands for shoulder fired missiles—and recent apparent targeting of U.S.-led military forces in Saudi Arabia, law enforcement agencies in the United States should remain alert to the potential use of MANPADs against U.S. aircraft.

How clear could this be? If this body turns its back on a threat that our commercial aircraft are facing right now, it would be a very sad day, indeed. Mr. Speaker, I am sure that you have approached the floor. What I will do is ask that a quorum call be put in place so I might discuss with him a time frame he will need on this amendment we have worked so closely together. 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 dispensed with. The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California, Mr. BOXER. I want to address the Senator from California if it is possible to have a time frame he will need on this from the top because this is such a crucial amendment. The amendment I am offering with Senator SCHUMER will provide $30 million that is already in the bill—we are not adding new money—for the Department of Homeland Security to research and develop and to initially deploy countermeasure systems for commercial aircraft to combat the threat of manned portable shoulder-launched missile systems.

I have, it is one of these missiles. I am a little person. They are very lightweight. They can be easily used. They have been used in the past. As I say, this $30 million is not new money. I hope, therefore, it will not be opposed on the other side of the aisle.

The chairman of the House Aviation Subcommittee, a Republican, said just yesterday that the threat of these shoulder-fired missiles being aimed at a commercial aircraft in the United States or one of our assets abroad “keeps me up at night.” This is a Republican chairman of the House Aviation Subcommittee who came into this debate, in his own words, not convinced that we needed to move on this threat. But after a secret briefing—and I was there—I said this threat “keeps me up at night.”

Shoulder-fired missiles, such as the SA–7 and stinger missile, are available on the black market for $25,000 to $90,000 each. Most can be used with little training and they take just minutes to fire. As I said, I have held one of these missiles in my hand. Almost anybody could do the same and fire one.

Nearly 30 guerrilla and terrorist groups are in possession of these weapons, including al-Qaeda. We will show a chart of the terrorist groups, the guerrilla groups we believe have these
We cannot afford to wait until it is too late. We should not wait until we have been warned. That is why I want to make the case to my friends that $1 million on a $120 billion aircraft is not too much to ask. We had a big breakthrough because Chairman Mica on the House side, yesterday, came on board on this amendment and is working on the other side. I say to my friend that if the Senate today can come together—I know we are voting so much on party lines now, and I can see that, but if we can come together on this amendment, which doesn't add any more money at all, but simply says this is a priority—by the way, it is not only the Senator from Indiana, or the Senator from California, or the Senator from New York saying it is a priority; it is the FBI saying it is a priority. Who knows better what threats we face than the FBI.

The TSA is saying it is a priority, too. On Sunday, there was a report in the New York Times saying that the Bush administration has ordered major security improvements at several of the Nation's largest airports after inspections showed that passenger planes taking off or landing at those airports could be vulnerable to attack by a terrorist using a shoulder-fired missile.

So the fact is we see—I know at Los Angeles Airport dozens of National Guard troops are deployed. It is a good thing to patrol the perimeter and at road checkpoints, in part, because of concerns about shoulder-fired missiles.

So the administration now takes this very seriously. We all know that while the National Guard is going to be very helpful in this regard, and more troops are going to help in this regard—and I support these measures—we know these missiles can reach commercial aircraft up to 12,000 feet. We know that inspection patrols at the perimeters are only part of the solution because you can have one of these shoulder-fired missiles pretty far away from the
airport—in an apartment building, or anywhere else, or in the middle of a park, and it would be very difficult.

Mr. BAYH. Or possibly from the sunroof of an SUV. It is difficult to secure the perimeter around an airport to the extent that we need. These countermeasures would be very warranted. I apologize for interrupting the Senator's remarks. But this threat is real. We have done a great deal of good work in the military sphere combating just this kind of threat.

Why not make it available to the civilian population as well? We are spending billions of dollars to bail out an industry, but if people don't feel safe flying in planes, the industry will never recover. I am in support of my colleague's amendment. Again, I apologize for interrupting the flow of her argument.

Mrs. BOXER. The Senator hasn't interrupted my argument; he has made it stronger and better. Also, we know that these military planes and refueling aircraft—and you have mentioned this—such as the C-17, C-130, KC-135, and the KC-10 are some of the models that employ these countermeasure systems that we believe can be and must be used in commercial aircraft.

Just going to the Senator's point about the military, they are conducting thousands of hours of training on countermeasures. So to underscore what my friend has stated, we know these systems work. We also know there is a threat.

I think if you look at this amendment and all the parts of it, No. 1, it is a modest step because we are not adding new funding; we are simply taking out—there is more than a billion dollars in that particular section—it is $1.135 billion—and we are saying $30 million of that should go to support the research and development and getting these prototypes ready, so we know we have access to shoulder-fired missiles. This would make anybody shudder because we know these groups are well funded and active, and we know many of them view the United States of America as their target:

Al-Qaeda, Kurdistan Workers Party, Palestinian Authority, Popular Front for Liberation of Palestine, Taliban, Armed Islamic Group, Huta Militiamen, UNITA, Oromo Liberation Front, Somali National Alliance, UG Lafontaine, Hark at Ull-Ansar, Hizbul Mahajideen, Khmer Rouge, Liberation Tigers of Tamil Eelam, United State of America, Kosovo Liberation Army, National Liberation Army, and IRA. We know these groups have access to shoulder-fired missiles. We know some groups, particularly some on the top part of this chart, would like to go after United States interests, given the past and given the present situation.

I want to read what Chairman MICA said after he came out of an intelligence briefing on this issue:

I went into the meeting somewhat skeptical. I came out convinced that this is probably one of the most serious challenges we face in combating terrorism. I think that's important.

Then he said:

Since that hearing, I've lost some sleep and have great concern.

We are saying this is very important.

HONORING OUR ARMED FORCES

Madam President, until Senator SCHUMER comes to speak on my amendment, I wish to pay tribute to five additional young Americans who were killed in the Iraqi war who were either from California or based in my home State. My State mourns their loss. May these beautiful young Americans rest in peace. May we have a short war. And may we also pray for the wisdom to keep our young men and women into their mission.

When we speak about the realities of war and how families will never be the same, as we take this bill up to make sure we have the best equipped military, and the world is a safer place with every thing they need to protect them from harm, we also need to protect civilians from harm, which gets me back to the amendment that is before the body today.

We have been warned by the FBI that the chance of a shoulder-fired missile being fired at one of our civilian aircraft is real. We have been warned by
the Transportation Security Administration that the threat is real. The administration has deployed National Guard to various airports in our country to try to spot one of these individuals with a shoulder-fired missile. We know there are some we do not want to lose our air travel but also the conclusion that this is, in fact, a very real threat to our people. We have heard from the travel industry that such an attack would be more than catastrophic, and as we vote more and more funding for our airline industry because we do not want to lose our airline industry, we need to take steps to protect it from further harm as well.

We have an amendment that ought to get bipartisan support. We have an amendment that is fiscally responsible. We are not adding more money. We are saying this is a high priority and it ought to happen because if we can get the cost of these systems down below $1 million—right now they are about $1 million a plane. Even that is a small amount. We consider an aircraft costs $100 million to $150 million a copy. If we can get it even lower than that, it becomes less and less of a burden to both retrofit the older planes, the 6,800 planes we have flying now, and make this mandated safety measure on all future commercial aircraft.

There is a lot of support for this amendment. I just hope the Senate will put it in place. I think all of us will be able to sleep a little bit better at night because they are not only the people I want to hurt. We know that. They look at civilians in a way we have never seen before. On 9/11 we saw that just because you are a civilian does not protect you from terrorists. It is our job to make sure we protect our people from terrorists.

I am hopeful Senator Schumer will join us shortly. I yield the floor and suggest the absence of a quorum.

Mr. SCHUMER. I ask unanimous consent that Senator Boxer control the time until 5 minutes of 11 a.m., and if we extend that time, we would then control the time until 11:15.

Mr. KENNEDY. Reserving the right to object—because I understand my friend just came from the Judiciary Committee and some of us want to get over to the Judiciary Committee, and I understand Senator BAYH was set to go on at 11:05—now we are asking consent to move Senator BAYH's amendment to a later time.

Mr. STEVENS. We do not have a time agreement on Senator BAYH's amendment. He is next in order. The Senator asked to extend the time by 5 minutes, and I asked to extend by 5 minutes. That does extend the time when another amendment would be taken up until 11:15; that is correct.

Mr. REID. Madam President, I say to the Senator from Massachusetts, it is not Senator STEVENS asking for additional time, it is Senator SCHUMER.

Mr. SCHUMER. I will be brief. I withdraw my request to accommodate my colleagues from Massachusetts.

The PRESIDING OFFICER. Does the Senator withdraw the request?

Mr. SCHUMER. I withdraw the request.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I commend my colleague from California. We all know she is a fighter. She finds issues, focuses on them with passion, is able to persuade so many others. The American people are lucky that Senator BOXER has taken such a leadership role in defending the homeland. I know the freight she is on—the time she extends her, but so do the Senators of New York. This is a real danger.

If we had to make a list of how terrorists would go after us, unfortunately, shoulder-fired missiles would be at the top of the list. As my colleague from California has demonstrated, we know they have them. We know al-Qaida, the most sinister right now of the terrorist organizations, has tried to use them. And there is an FBI statement that it occurred.

God forbid this should happen. God forbid the loss of life, the anguish of families. Would anyone fly for 3 months, 6 months, 9 months? The economy is squishy now. If one of these shoulder-held missiles were used by terrorists to bring down one of our commercial airliners, it would send the economy due south; we would have huge problems.

So the news is that we can stop this. Yes, it will cost some dollars. But I cannot understand the attitude that we should not spend dollars to deal with something such as this. The Senator from California is not asking for much. I, for one, would like to see more money. We know this will eventually cost more money, but she is being extremely modest in the amendment.

To say, against one of the greatest dangers held for our wonderful people in America, that we should not do anything defies imagination, defies belief. We have the technology on our military planes, on Air Force One, El Al Airlines. I have dealt with the former top of security of El Al Airlines. They know. They know what terrorists can do. Yet we are saying we should fiddle while terrorism burns. I don't get it.

The Senator from California and I carefully crafted this amendment, with Congressman MICA from Florida, a Republican Member, to make it as modest as possible. I hope we accept this amendment. No one wants this to be a partisan amendment. Obviously, it is not. However, if our job is to defend troops, if our job is to protect our homeland, if our job is to accommodate our colleagues, we are doing that by supporting the President's request. One of our jobs is to protect this homeland from the new scourge of terrorism.

I mourn every day for the families lost on September 11. I wear this flag on my lapel every day in their memory; God willing, I will wear it every day for the rest of my life. I don't want it to happen again in any way. Spend a few dollars to make sure that does not happen.

If we ask the American people to line up the priorities of all Federal spending, does anyone think this is at the bottom?

They say there is no more money or maybe it will come out of some existing funds. We know what that means around here. That means forget it. If you cannot earmark it, it does not happen. I cannot believe we are not going to do this. I can't believe there is opposition to this. I can't believe, on something so vital to our security, we would have spent billions of dollars to protect our military planes, that we would not apply it to commercial airliners because in the post-September 11 world, those commercial airliners are just as much targets as our F-18s and F-16s and B-1s and B-2s.

Please, colleagues, let's not be in the “what if” situation.

Let's not wake up one morning after the one of our jobs is to protect ourselves. What if we had done this? I would plead with my colleagues to support this very important amendment.

I yield the floor.
The PRESIDING OFFICER. The time yielded the Senator from California has expired. The Senator from Alaska controls the next 15 minutes.

Mr. STEVENS. The Senator from Alaska controls time at 5 minutes of 11.

Mr. REID. Madam President, parliamentary inquiry: Has the time for the Senator from California been exhausted?

The PRESIDING OFFICER. Yes, it has.

The Senator from Alaska.

Mr. McCAIN. Madam President, I rise to oppose this amendment because it is premature. The amendment is premature not only in my view but in the view that was held by the Senator from California on March 13 in the Commerce Committee when we marked up the cargo security bill. At that time, the Senator from California said, and I quote from the record of the hearing of the markup:

I had a bill which I am not moving today because I think that would require a hearing. But what I thought would be good is that since the TSA has said they are studying the best way to—

Speaking of protection of the airliners from missile attack—

but yet we haven’t seen the study, what I would say in this amendment is to ask them to please give us a report on their study to this date. I think 30 days on the best way to defend turbo and jet passenger aircraft from these shoulder-fired missiles.

So we adopted the amendment of the Senator from California on the cargo security bill that is before the Senate which will be passed by the Senate without any doubt whatsoever.

I do not know of any living American who does not want to protect our airliners. I do not know of any living American who does not want to protect all of America, including our borders.

The fact is that it is proposed to spend $30 million on R&D and deployment of technology on commercial airliners. I can assure my colleagues that it is not that easy. It is not that easy to transfer technology which is adopted for military aircraft and then immediately transfer it to civilian aircraft.

Obviously, we need some time for the TSA to look at the threat and put the threat on the scale of the threats that we face in an order of priority, and the best way may not be installing this equipment on airliners. It probably is. But we do not know for sure. All we know is that there is a threat, and there are other threats. There are threats to our lives and our security, whether they be at reservoirs or nuclear powerplants or along our borders, or wherever they may be. And we do have the ability perhaps to adopt military technology. But that has to be studied, as the amendment that Senator BOXER will be on the bill after discussion in the markup.

What type of technology is it? How can we deploy technology immediately when we do not know what technology it is that is best executed if we believe that airliners need this protection immediately.

I am not going to take the entire 8 minutes the Senator from—

Mrs. BOXER. Will my colleague yield?

Mr. McCAIN. That the Senator from Alaska yielded, but I just say this is a premature amendment. This is an amendment to spend $30 million for deployment of technology when we do not even know if that technology exists, and if it does, if that is the best technology. So why is that I am in opposition to the amendment.

Mrs. BOXER. Will the Senator yield?

Mr. McCAIN. I will be glad to respond to a question from the Senator from California.

Mrs. BOXER. I thank the Senator. I think the Senator makes a very important point that I absolutely supported a study in the committee. Since that has occurred, however, two things have happened. Chairman Mica on the other side invited me to a secret meeting.

Mr. McCAIN. Does the Senator have a question or does she want to use her own time?

Mrs. BOXER. I was hoping—I don’t have any time left.

Mr. McCAIN. If the Senator has a question, I would be glad to respond. Otherwise, I do not want to use the time of the Senator from Alaska.

Mrs. BOXER. I do have a question. I was just going to let the Senator know what had happened and then I was going to ask the question.

What happened at that time was this threat had been rising and the administration took action since the time of the study that said to all the big airports around the country, national guardsmen will protect against this threat. Chairman Mica changed his mind after those hearings and I became more concerned. That is the reason why I drafted this to be both a study and a deployment on just a couple of planes.

Mr. STEVENS. Regular order.

Mrs. BOXER. I just wanted to know if my rationale made any sense.

Mr. McCAIN. I thank the Senator for her question, and I appreciate the Senator from Alaska allowing that time. It is still premature and I think that to order a study of the background within a period of a couple of months would be most aggravating.

I yield back the remainder of my time to the Senator from Alaska.

Mr. STEVENS. Madam President, I say to the Senate that as a pilot, almost every pilot I know shudders over the thought of weapons that are heat-seeking missiles. I commend the Senator from Arizona for what he has done already on the commitment of trying to get a study. I do not want to leave the impression here—it is classified, but there are some commercial planes that are outfitted for some defenses against some weapons. But all you have to do is think of “Blackhawk Down” to know it is not that simple.

The Air Force has been working in research and development on a system. It is being tested on one plane so far. As a matter of fact, it is too large for most of our commercial aircraft. We don’t know how soon it will be before we can field this technology. But what I thought would be good is that we face in an order of priority, and the best way may not be installing this technology on commercial aircraft. It probably is. But what I thought would be good is that the Counterterrorism Fund has been assumed to provide additional dollars for agencies within that department. One hundred and twenty million dollars is assumed in this bill to pay for the passenger screeners and other costs incurred at additionally secured airports.

We have tried to be very discrete about this fund. This is not a bill to deal with the problems of commercial airliners. This is a bill to deal with funding the war. Again, I want to say we have three wars going on, and this is not part of the war. We already have taken this up in Commerce. We have a study coming because of it. I hope that bill will pass.

I share the absolute fear that Senator BOXER reflects in terms of the problem of passenger aircraft having some defense against shoulder-fired missiles. Again, we could all take a look at “Blackhawk Down.” There is no question they are out there and they are very much a fear in terms of terrorism. But that is what the Department of Homeland Security is for and that is why the research and development money that is in the defense bill that has already been passed this year, and that research is going on.

Madam President, I regret deeply that this is not the way to solve the problem. The problem is going to be solved with a study that we have asked for of what can be done and the funding that would follow that study. I hope it gets here in time to deal with it on the 2004 bill.

Again, I do not know anyone else who fears these as much as pilots. Past experiences tell us how serious the problem but you have to be a pilot to understand the total consequences of having something that you cannot control from within the cockpit.
It is true we have these systems on high-performance airplanes. They are extremely heavy. As I said, they cost more than $1.5 million apiece.

Madam President, $1.5 million added to the cost of a high-performance airplane we are buying for war purposes that is one thing. This does not affect that. Those systems have already been perfected under the Department of Defense, and they are adequate for our needs in defense.

I put out in the 12 years we have flown over Iraq on the so-called CAP’s Program, we have not lost one plane to a heat-seeking missile to my knowledge.

That is military. We are trying to say can we put them into civilian aircraft? Can we put them into commuters? What size do we need? It is a research program. I don’t know that it would work. I was told at one time it would take up to 2 years to develop this system. But we should approach this action from the point of view of research and development first and not a mandate, and particularly, not the money out of the bill as it is right now.

We do have, by the way, some of them that are applicable to the commercial system. It is dealing with a laser system. That system will be available for the installation in commercial airlines by fiscal year 2006, under the current system. As I said, we are trying to accelerate research and development and ability to defend small aircraft and helicopters. There just is none available today that can do that, that are affordable.

I reluctantly agree with the chairman of our committee. I believe the language in the Cargo Security Act that was the product of Senator Boxer’s efforts on the Commerce Committee should be allowed to go forward. We should study this important issue. But we should not be taking money from other homeland security efforts and paying for it out of other pilot projects for systems that have not yet been demonstrated to be effective.

We are monitoring this. I say in all sincerity, I think the Commerce Committee has Senators on both sides of the aisle who are committed to following this through, to finding the best way to defend passenger aircraft from shoulder-fired missiles.

This is not the way to do it. Reluctantly, I do move to table the amendment.

I ask unanimous consent the Boxer amendment, amendment No. 472, be set aside until the hour of 1:50, and at that time the Senate proceed to a vote in relation to the amendment with no second-degree amendments in order to the amendment prior to the vote. I further ask unanimous consent there be 2 minutes debate equally divided immediately prior to that vote.

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

Mr. STEVENS. I want to announce that will be the first vote in a sequence that will start at 1:50 p.m. this afternoon.

I now ask, if it is appropriate, and I believe it is, unanimous consent with regard to the amendment Senator BAYH will offer, that there be 20 minutes of debate equally divided in order to the control of the opposing, 10 minutes under control of myself, and no second-degree amendments in order prior to the vote. I further ask this amendment, when we are finished, and I shall make—I may not make a motion to table this—but a vote in order to the amendment to be taken, if required, at the hour of 1:50, following the Boxer amendment.

Mr. REID. Mr. President, I failed to tell the manager of the bill that Senator KENNEDY wants 10 minutes. So it would be 30 minutes and whatever time you want to respond to that.

Mr. STEVENS. I have no objection.

The Senator has been waiting to speak. I am pleased to amend my request that there be 30 minutes under the control of the proponents and 10 minutes under my control.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? Hearing none, it is so ordered.

AMENDMENT NO. 474

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. BAYH], for himself, Mr. NELSON of Nebraska, Mr. SCHUMER, Ms. STABENOW, Mrs. CLINTON, and Ms. MIKULSKI, proposes an amendment numbered 474.

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

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

The amendment is as follows:

(Purpose: To provide funding for grants to States for smallpox and other bioterrorism inoculation activities)

On page 38, after line 24 add the following:

SMALLPOX AND OTHER BIOTERRORISM INOCULATION ACTIVITIES

For additional expenses necessary to support grants to States for smallpox and other bioterrorism inoculation activities, $340,000,000, to remain available until September 30, 2004. Provided, That this amount is transferred to the Centers for Disease Control and Prevention.

Mr. BAYH. Mr. President, I offer this amendment on behalf of myself, Senator NELSON of Nebraska, Senator SCHUMER, Senator STABENOW, and my distinguished colleague, Senator MIKULSKI.

I offer this amendment because of my conviction that just as we spare no expense ensuring our military men and women in the field have the tools with which to defend themselves, have the tools with which to disarm rogue regimes that possess weapons of mass destruction so we can protect the American people, we also need to give those tools to the brave men and women working here at home who will defend the American people against biological attack. That is because it is the same fight. It is the same war.

Disarming rogue regimes of weapons of mass death, protecting American citizens, and keeping others from using weapons of mass death, is the same fight. We need to make sure that both overseas in the military and here at home, in terms of civilian defense, we do what it takes to defend America’s national security interests.

So that is why, and in that I believe we are fighting today, the war against global terrorism, rogue regimes, and failed states, the distance between the front lines and the home front is not that great. We must recognize this fact and aggressively defend both; otherwise, the American people may suffer.

We are now involved in a great conflict in Iraq. This conflict has, as its genesis, our desire to avoid another tragedy like September 11, only this time involving weapons of mass destruction and casualties and loss that could be far greater.

We suffered 3,000 fatalities on September 11, worse than the attack on Pearl Harbor, the greatest loss of life in our country since the Civil War.

But I rise today to say that, unfortunately, much worse can happen. Weapons of mass death—let us call them what they are because they seek to destroy not buildings or physical properties but people—mass death capable of inflicting losses of catastrophic, even Biblical proportion, now roam the international landscape.

Biological weapons in particular can unleash pathogens capable of slaughtering millions, rending civil society itself, and spreading terror and fear, and perhaps starting a new Dark Age.

I do not overstate the case. Not so long ago, I tell my colleagues, there was something called Operation Dark Winter that was conducted by a variety of entities, including the Center for Strategic and International Studies. Operation Dark Winter sought to anticipate what might happen if smallpox were introduced into the ventilation systems of three shopping malls in different States across our country.

Within 13 days, the disease had spread to 25 States. After 60 days, 3 million cases of smallpox had been diagnosed and more than 1 million American citizens—1 million—were anticipated to die from the outbreak. That is just how bad it can get.

Colleagues, the threat is not theoretical. As we saw in this very Chamber with the anthrax outbreak of a year ago, the threat of biological weapons is all too real, all too tangible. Our intelligence services estimate the chances of a nation such as Iraq possessing smallpox are about 50–50. Other nations have it, too. Terrorist groups such as al-Qaida and Ansar al-Islam and others are working feverishly to obtain chemical and biological weapons. Since smallpox is the worst case scenario when it comes to a
biological outbreak, we have to assume that smallpox would be near the top of their list when it comes to obtaining a biological capability to attack the United States here at home or abroad. The administration itself has recognized that President Bush himself was inoculated against smallpox to great fanfare. The recommendation last December by the administration was to inoculate up to 10 million first responders—10 million—to ensure that our country was in a position to minimize the threat of, and fast-forward in the event of, a smallpox attack reaching our shores. Unfortunately, while the rhetoric has been right on, the resources and the actual response have been left wanting.

The response to date ignores the fact that there are many other pressing needs when it comes to protecting the American people against a biological attack. Smallpox is only one of the potential risks. Inoculating our people against smallpox is only one of the steps that must be taken. We simultaneously must move forward with expanding our lab capacity so we can analyze the cases as they come in so we know what we are dealing with. Is it a plague? Is it smallpox? Is it botulism? What is the pathogen that is killing Americans? How do we treat it? What should be our next steps?

Having a lab capacity is critically important. We have to improve the communications systems between the Federal level, the CDC, State laboratories, and local hospitals because if there is not an effective communications system, the response will break down and people will die as a result.

Finally, we need better health monitoring at the local level so we can judge the ebb and flow of systems and analyze exactly what it is we are dealing with so we know how to respond and save people’s lives.

The response to date ignores all these other needs competing for scarce resources, leaving the very real possibility that either protecting the Nation against smallpox will be left wanting or that these other critical needs will be left wanting. That is a choice we should not be forced to make.

The response also ignores the very language of the emergency supplemental, which states explicitly that the funds can only be used for equipment and personnel that are needed for inoculation—they cannot be used for inoculation. So even if enough money had been provided to help defend against smallpox, by the very wording of the supplemental, the funds cannot be used for the most pressing need, to ensure that first responders, who might be infected, are inoculated against smallpox, protecting both them and others with whom they might have contact.

Thus, the response to date ignores the very real, pressing fiscal crises confronting our States. I just came from a meeting with my own Governor. Indiana, as other States, is facing a deficit. It is strapped for money. So States simply are not in a position to step in and provide resources to fill in the gaps.

If this need is going to be met, if this threat is going to be met, if our people are going to be protected at this hour of national crisis, at this hour of State fiscal crisis, it is the Federal Government that must step up and protect the national security interests, the health and well-being of the American people, because we are the only level of government that is in a position to do so.

Next, the response proposed by the administration falls short of past responses in similar cases. My colleagues might be interested to know that in 1947, responding to a single outbreak of smallpox in New York City, 635,000 citizens were inoculated, including 500,000 in a single day—in a single day. Yet there is nothing for smallpox inoculation in this bill. Clearly, based upon past response, the current steps are inadequate and, hence, the amendment is necessary to supplement our efforts.

Finally, along these lines, the House of Representatives—not known for responding overzealously to concerns about our health and safety—firm grip on the purse strings—has recognized that the emergency supplemental is inadequate and has proposed an additional $94 million to help address this need. While $94 million is still inadequate—the $340 million we propose in our amendment is the correct response to inoculate 4 million people who the States have said are necessary to inoculate—at least the House of Representatives has taken a tentative initial step in recognizing the very real need.

If we are going to meet this threat, the response to date proposed by the administration, however well intended, is simply inadequate to meeting the very real potential threat, the disastrous potential threat facing the American people. That is why we have proposed action.

I will spend a couple of moments addressing what the potential arguments against our amendment might be. I know some might suggest this is simply more social spending. That is simply not the case. This money will save lives. We have been attacked, as we all know. As we all know, terrorists are not just killing innocent people. We know they are desperately seeking weapons of mass death, including biological weapons. We know that smallpox is the worst case scenario, and that in all likelihood they are attempting to get it into this country.

This money is needed. It is not simply just more social spending. It is needed to save lives, and to save lives now. It would be irresponsible not to ensure that we are protecting against this threat because we know how real it can be.

Secondly, the argument that enough resources have already been provided is simply not accurate. Enough resources have not been provided to meet this threat, as the House of Representatives has recognized, as the Governors of the 50 States have recognized in their Plan states, saying that inoculating 4 million first responders is what is necessary to truly protect the American people.

The administration has done precious little along these lines. Not enough in the way of resources has been provided. Regrettably, responding to this need is not inexpensive. The National Association of County & City Health Officials estimates that, at a bare minimum, it takes $85—and, in fact, recent experience suggests far more—$85 per case to screen, inoculate, and monitor the results of the inoculation per individual inoculated. That is the least case scenario. So taking the lowest cost estimate, multiplying by the 4 million first responders that the Governors and States, regardless of party, indicated need to be inoculated, that is more than $340 million being the bare minimum needed to help protect the American people against this threat.

Finally, 58 percent of local officials indicate that smallpox inoculations are not part of their bioterrorism efforts. I would ask my colleagues, What do we leave the American people vulnerable to? If we emphasize smallpox, do we choose to leave them vulnerable to another bioterrorism threat? What do we leave the American people vulnerable to? If we emphasize smallpox, do we choose to leave them vulnerable to another bioterrorism threat? What do we leave the American people vulnerable to? If we emphasize smallpox, do we choose to leave them vulnerable to another bioterrorism threat? What do we leave the American people vulnerable to? If we emphasize smallpox, do we choose to leave them vulnerable to another bioterrorism threat?

In conclusion, let me say that my position in this amendment, offered by myself, Senator Mikulski, and others, is not a partisan position. I have with me an article from the Washington Post of 2 days ago, indicating the very pressing need that States and cities have not been provided to meet this threat.

It quotes several Governors, including Governor Pataki of New York, Governor Huckabee of Arkansas, and others, to the effect that States and cities are simply not being provided with the resources they need from the Federal Government. I quote:

"Governors and mayors of both parties declared [the funding is] inadequate. Our States and cities deserve better from us than that."

I have letters that I will have printed in the Record from city and local health officials, including the American Nurses Association, who indicate that our exposure to the West Nile virus and the recently discovered SARS respiratory problem will be much, much worse because of their efforts to fight smallpox, if we don't provide the additional funding so they don't have to confront the dilemma they are confronting: Do they protect against smallpox or some other cause of death? We should not leave them in that lurch.

In conclusion, this is a pressing problem. It is a single war: The war abroad
to disarm rogue nations, to protect us from weapons of mass death, and the war here to protect America from those same sources of threats. They both deserve our attention and funding. That is the purpose of this amendment. I offer it on behalf of myself and my colleagues today.

Mr. President, I ask unanimous consent to have relevant material printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.


Refunding for smallpox vaccination.

Hon. EVAN BAYH U.S. Senate, Washington, DC.

DEAR SENATOR BAYH: The National Association of County and City Health Officials (NACCHO) is committed to preparing the nation to respond to an outbreak of smallpox, should such a terrible event ever occur. Therefore, we strongly support additional funding to address the large, unanticipated costs that state and local public health agencies are incurring to implement the President’s smallpox vaccination program. Nearly all of the local public health agencies already report that they are diverting resources from other bioterrorism preparedness to work on smallpox vaccination. This situation is unsustainable and threatens to undermine our nation’s ability to improve public health preparedness for other acts of biological, chemical, or nuclear terrorism.

Existing federal funds for bioterrorism preparedness are neither available nor sufficient to pay for both smallpox vaccination and other bioterrorism planning and preparedness work that is already underway. Congress appropriated $940 million in FY 2002 and $940 for FY 2003 to help states and localities improve their capacities to respond to public health threats and emergencies. The Department of Health and Human Services made these funds available to states in June 2002, but the actual disbursement of federal funds occurred in a timely and responsible fashion and states were directed to spend these funds in five different areas of public health preparedness to cover HHS’s stated needs and localities contemplated undertaking smallpox vaccination at that time and funds have been programmed and obligated to improve bioterrorism preparedness in multiple ways, pursuant to HHS’s guidance to the states.

The Administration announced a smallpox vaccination program six months later and has expanded states and localities to pay the costs of this program from the FY 2002 bioterrorism funds they had received. This expectation is unrealistic for two reasons. First, states and localities cannot and will not be able to respond either among jurisdictions or with any federal program, the sums that states have spent according to HHS records do not reflect plans and obligations that have already been unaccounted for. The costs of smallpox vaccination are proving to be far greater than had been anticipated. Smallpox vaccination is a high-stakes game, and costs will continue to rise. NACCHO has found that costs for smallpox vaccination being incurred now by local public health agencies smallpox vaccination range from $154 to $204 per person, with an average of $204 per person. These do not include costs to states or to other entities, such as hospitals or police or fire departments.

NACCHO is deeply concerned that it is dangerously short-sighted to devote our resources to bioterrorism preparedness to only a single potential agent. We cannot anticipate what agents might be used by a bioterrorist. Moreover, we remain highly vulnerable to other potential disease outbreaks, including West Nile virus and the newly-discovered Severe Acute Respiratory Syndrome, that have a potential to cause more illness and death than would other bioterrorism scenarios. We believe that we must build our public health systems so that they are well-staffed, effective and adaptable. We should avoid building separate systems for specific diseases; they will tax our resources, and unless we use them day in and day out, they won’t work well when they are really needed. We must also achieve preparedness specifically for smallpox, which has the unique feature of requiring vaccination of a number of public health and medical personnel, but we cannot afford to sacrifice other improvement in that process.

We appreciate your leadership and concern for public health. We look forward to working with you to ensure that the public health system is able to improve preparedness for all public health threats and emergencies in addition to smallpox.

Sincerely,

PATRICK M. LIBBEY, Executive Director.


DEAR SENATOR: On behalf of the American Nurses Association (ANA), I am writing to urge you to support the amendment offered by Senator Bayh to the supplemental appropriations bill. This amendment will provide resources so that state and local health departments can safely implement the smallpox vaccination program.

The ANA is the only full-service association representing the nation’s RNs through its 54 state and territorial constituent member associations. Our members are well represented in this proposal to vaccinate 10.5 million health care workers and first responders.

Sufficient funds must be appropriated to states to support critical education, prescreening and surveillance of the potential recipients of the vaccine. The recent death of a Maryland nurse, a Florida nurse and a local resident in Massachusetts demonstrates that we cannot afford to sacrifice other improvement in that process.

The Administration has provided education and training to nurses and other first responders. Nurses and other first responders will continue to feel uncomfortable if they do not receive the reliable information needed to make an informed decision.

Member services have received personalized education and free and confidential prescreening prior to the administration of the vaccine. This process protects the health of needed health care workers and first responders. Unfortunately, existing federal funds for states to conduct a proper vaccination program have been exhausted. The National Association of County and City Health Officials (NACCHO) estimates that state and local health offices are incurring a cost of $204 per person vaccinated. These expenditures are in addition to the potential recipients.

Once again, the ANA urges you to support the Administration and the supplemental appropriations bill. These funds are critical to ensure state and local officials can actually implement the crucial education, prescreening and surveillance programs.

Sincerely,

ROSE GONZALEZ, MPS, RN, Director, Government Affairs.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES LOCAL 503, Washington, DC, April 1, 2003.

DEAR SENATOR: On behalf of the 1.3 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to urge you to support amendments to the supplemental appropriations bill that will benefit our homeland security. In particular, we urge you to support an amendment to add $4.3 billion for funding the “first responders” that will be offered by Senators Schumer, Clinton and Mikulski. We also urge you to support an amendment for $30 million for combating bioterrorism to be offered by Senator Bayh.

This amendment for $30 million for combating bioterrorism will provide resources so that state and local health departments can implement the President’s smallpox vaccination program safely. Public health officials have estimated that the cost of each vaccination will average $204. New resources are needed to carry out the smallpox program, and to protect public health resources away from other bioterrorism preparedness and core public health activities.

Since September 11, the nation has come to realize the seriousness of the security needs of our homeland. The following amendments to increase funding for homeland security, and in particular the two homelands security amendments to increase funding for homeland security, must be addressed through a commitment to improving homeland security. Accordingly, we urge you to support amendments to increase funding for homeland security, and in particular the two amendments to be offered by Senators Schumer, Clinton and Mikulski and by Senator Bayh.

Sincerely,

CHARLES M. LOVELESS, Director of Legislation.

DEAR SENATOR: On behalf of the 1.3 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to urge you to support the amendment offered by Senator Bayh to the supplemental appropriations bill. This amendment will provide $30 million for combating bioterrorism.

RECOMMENDATION: AFFIRMED.

The PRESIDING OFFICER. The Senate recessed at 3:44 p.m. and reconvened at 4:17 p.m., Senator Kennedy (Vt.) presiding.

Mr. KENNEDY. Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. Sixteen and a half minutes.

Mr. KENNEDY. Sixteen and a half minutes.

The PRESIDING OFFICER. Sixteen and a half minutes.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have that division voted on by myself and the Senator from Maryland.

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

Mr. KENNEDY. Mr. President, I would like to retain a minute of this time. If the Chair would inform the Presiding Officer, he wishes to bring forward several amendments to the bill, and if the Chair would indicate this to the Presiding Officer, he wishes to bring forward several amendments to the bill.

Mr. KENNEDY. Mr. President, I would like to retain a minute of this time, if the Chair would inform the Presiding Officer, he wishes to bring forward several amendments to the bill.
We enacted legislation even prior to 9/11 that was very helpful and important at that time. We have enacted legislation subsequently, and next week we are going to be enacting legislation which will support the President's commitment to provide $6 billion in 2003. It will be used to develop vaccinations in anticipation of the threat we will be having overseas by these very dangerous pathogens that are being developed.

Now we have smallpox and anthrax that are dangerous to this country. People in this city have certainly witnessed the dangers. Families have been impacted and affected because loved ones have lost their lives because of the dangers of anthrax.

This amendment is meant to provide help to local communities to make sure they have an effective vaccination program, period. There are a number of different features in the war dealing with bioterrorism. One is to make sure we have a compensation program on the ground who are trained, supported, who have the ability to screen, have the vaccines, and will do the follow-up work if we expect this program to take off.

Secondly, we have to have a compensation program that will be available to provide help to these individuals if there is an adverse reaction. Why this is so important is these first responders, when they signed up for their job, didn't think they were taking on the additional responsibility of dealing with terrorism. Now we are asking them to do that. We are asking them to do something in addition.

In some instances, with some vaccines, they will be risking their lives, because we know a certain number of them are going to die and a certain amount of them will have serious disabilities as a result of taking the vaccine. That is the vaccination compensation program. That is not on this bill.

What we are talking about here is making sure individuals in local communities are going to have the resources to resist any bioterrorism that comes their way in the form of anthrax and smallpox. To do it, you have to give support to local communities. This legislation before us does not do it. There is no funding whatsoever. There are billions for our soldiers and our sailors, and all of us are for that, but it doesn't provide any resources.

I say that against this following background. Last year we cut support for our hospitals by $1.9 billion. Those were cuts in the Medicaid program and also in what we call graduate medical education. We provided $500 million for them under the battle of bioterrorism, but they still lost $1.4 billion in cuts to the hospitals. We say we have already provided sufficient funding for these hospitals, I will not take the time now, because I want to read the record, what the hospitals are saying, not just in my State but all over the country, the pressure they are under to try to get the programs started.

My friend and colleague from Indiana has indicated it costs about $80. Actually, according to better estimates, it is about $200. I will put that in the Record. I thank him for offering this amendment. The President's program is asking $6 billion in phase 2 of the immunization program, 10 million people. Under the Bayh program you get coverage for about 4 million. It is a very modest program. That is $85. It is done cheaper in the military because they have the trained personnel to do it.

By and large, public health officials believe if we are going to have a monitoring program—and we have seen in this past week how important that monitoring program can be, because if you have these kinds of vaccinations going to individuals who have some kind of heart complication and difficulty, it can cause death. That is why the monitoring is so important. We want to make sure we have a program that will be put in place.

Today it is suspended by 10 States. Ten States are not doing it because they don't think the program itself has been set up in a way which can provide adequate protection to the individuals who need it.

I hope our friend and colleague on the Appropriations Committee will be willing to accept this amendment. It is a bare-bones amendment. I remind the Senate what happened yesterday in the Human Resources Committee when we were dealing with the compensation program. Our friend and colleague, Senator Mikulski, made an impassioned statement about what happened to a particular individual in her State with this vaccination program. It was accepted unanimously, by Republican and Democrat, that there should be additional resources to make sure if we do an enhanced immunization program—I am strongly committed that we do—it is done wisely and right.

The amendment offered by Senator Bayh and Senator Mikulski and others—I ask unanimous consent to be added as a cosponsor, if I am not—is an absolutely essential part of the war on terrorism.

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

Mr. KENNEDY. Fighting against the dangers of bioterrorism is a key aspect on the war on terrorism. To do that, you need to have two components: One, you need a compensation program; secondly, you need to be able to get that program out there. It is not getting out there now. It is putting too great a strain on local public health officials. We should give them assistance to make sure we have the best. We are not doing as a result of the work of our service men and women fighting in Iraq, and we want the best for our first responders whose lives are at risk. This amendment will ensure they will receive the best in terms of support in local communities.

I withhold the remainder of my time. The PRESIDING OFFICER. The Senator from Maryland.
I salute the Senator from Indiana for advocating this. I advocated it in the authorizing committee just yesterday. It was an amendment that the committee knows this is important. Now is the time to make it a reality by putting screening, testing, and monitoring into the Federal checkbook.

So I really ask my colleagues: If you want to have enough confidence to participate in the program, they need to know what they are getting into, and they need to be properly screened. They need to know that they will be monitored and that there will be surveillance to protect them as they line up to protect America. They also need to know that there is a safety net for an adequate and responsible compensation program. This amendment does not deal with compensation, but it deals with funding the usual and customary public health protections. It says that people have a right to know, they have a right to be heard about their concerns, and they have a right to be protected.

On behalf of Andrea Deerheart Cornish, offer this amendment with my colleagues to the Senate.

I yield the floor.

Mr. NELSON of Nebraska. Mr. President, I rise today in support of the amendment of my good friend from Indiana that will help State and local health departments pay for the cost of administering the smallpox vaccine.

The threat of terrorism, both foreign and domestic, is real and should not be taken lightly. We prepare for these threats by preparing our first responders—including our health care professionals. Whenever and wherever disasters have struck, health care professionals have responded selflessly by lending their skills, time, and expertise. When a disaster strikes, health care professionals are among the first to respond and the last to leave.

The goal here is to prevent fatalities abroad in our fighting men and women and here at home, directly or indirectly. Without the adoption of this amendment, fatalities will result either from smallpox or from other potential pathogens left wanting—West Nile, SARS, and others—because resources are being taken away from those for inoculations against smallpox because the resources are not available. That is why there is a pressing case for adopting this amendment.

I thank my colleagues for their support, and I urge its immediate adoption.

Thank you.

The PRESIDING OFFICER. Who yields the floor?

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. You have 2 minutes.

Mr. KENNEDY. We will reserve our time.

Mr. STEVENS. Mr. President, I can yield to the Senator from Massachusetts or proceed now, at his request.

Mr. KENNEDY. Is the Senator prepared to yield back, or is the Senator going to talk? I would like to respond.

Mr. STEVENS. All right. I yield myself such time as I may use. I don't think I have a request from anybody else on this side.

Mr. KENNEDY. I am directed to the Senator from Indiana on this amendment. The House has $94 million in a smallpox vaccine fund. I have a little conflict of interest here because I am one of the few Members of the Senate who has taken the smallpox vaccination again. I have had it many times in my life. Going back, as a 19-year-old, I first got it when I was admitted to the Army.

There are some 4 million responders who would be in the line-up under this amendment, as I understand it. The figure that has been used by Senator BAYH is $85 per person. The current cost range is somewhere from $20 to $284 a person, depending on who does the estimates. The administration's current estimate is that it would cost $13 per person to deal with 4 million responders. There are already funds allocated to health departments, and I believe we should take this up in the regular bill when we go to the 2004 bill.

I remind the Senate that this bill is for the period from now until September 30. We are not going to appropriate moneys beyond September 30 unless, on a bipartisan basis, we find it necessary. So far, it has not been necessary. There are other health needs, such as TB, West Nile virus, and HIV. Now we have this terrible situation coming out of China.

There is no question that many people are interested in this subject, and I can speak without other objection. Our leader, Dr. FRIST—Senator Frist—is very interested in that subject. So I merely state that I wish to discuss the amount of this amendment with Senator BAYH. I do not believe that we could cost $13 per person.

I am prepared to yield back the remainder of my time and listen to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I have been notified by the Department of Defense. The cost for the military is about $28 or $29. They have done a very effective program. The National Association of State and County Officials estimates it is $250 to $284. Senator BAYH is down to $85. There is zero in the bill at the present time.

The first responders we are talking about are at the cutting edge of defending the country against a bioterror attack. I don't believe we ought to make this decision in Washington, DC, when we have seen Americans die as a result of anthrax. If you are going to have an effective program, you are going to have to support local communities to be
Mr. REID. We will withhold the request until the Senator reviews the amendment.

Mr. STEVENS. If the Senator is prepared to renew his request, I am prepared to agree.

Mr. REID. I renew that request, Mr. President.

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

Mr. REID. Mr. President, I ask that the vote on or in relation to the amendment offered by the Senator from Florida occur third in line; that is, Boxer, Bayh, and Graham.

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

Mr. REID. As per the other agreements, there will be no second-degree amendments in order.

Mr. REID. The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida.

Mr. GRAHAM of Florida. I call up amendment No. 459.
disability claims, and we can assume there will be a minimum of a similar number of veterans who will come from this second Gulf war.

I indicate to my colleagues that this is a downpayment because as additional service personnel, including reservists and National Guard, either by the end of their term or other voluntary action, are separated from service, they will become eligible for this 2 years of VA health care.

There is an issue raised: Can the VA absorb this cost within its current budget? It has been stated that it could because on January 17, 2003, the VA cut off the future enrollment into the VA Health Care System for moderate and higher income veterans. At that time, the VA cited rising costs, long waiting times, and focusing on core constituencies as the rationale for limiting services. There was no reference in January of 2003 that the Veterans Administration was doing this in order to prepare officially to meet the obligation it was going to have on returning troops.

In a press release on January 17, Secretary of the VA Principi said:

VA is maintaining its focus on the health care system and veterans, those with service-connected disabilities, the indigent, and those with special health care needs.

Again, no reference to the new obligation the VA was going to have as a result of a war which was still almost 2 months prior to commencement.

In the article in the Gainesville Sun on March 30, Secretary Principi tried to justify ending access to VA health care services for moderate and higher income veterans because of the war. He said at that time:

It’s very important at this time, when you’ve got men and women in combat, that we assure the capability to treat them, that we’re not trying to care for everybody at the expense of those who take a bullet.

Some 10 weeks later, the rationale for the cutoff of moderate and high-income veterans was because of the war, whereas at the time it was done it was because the VA needed to be able to absorb this cost within its current budget.

I ask unanimous consent to have printed in the Record the Gainesville Sun article and the VA press release.

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

[DEPARTMENT OF VETERANS AFFAIRS NEWS RELEASE, JAN. 17, 2003]

VA ANNOUNCES RECORD BUDGET, HEALTH CARE CHANGES

WASHINGTON—Secretary of Veterans Affairs Anthony J. Principi today announced a record increase in the budget for Department of Veterans Affairs (VA) medical care, the annual decision required by law (PL 104-262) on health care enrollment and a new plan between VA and the Department of Health and Human Services for a program that will allow eligible veterans to use their Medicare benefits to pay for care.

The President’s FY 2004 Budget includes a total of $63.6 billion for VA—$30.2 billion in discretionary funding (mostly for health care) and $33.4 billion for VA-administered entitlement programs (mostly disability compensation and pensions). The budget increase includes $27.5 billion in funding for VA’s nationwide infrastructure initiative (CARES) to ensure that VA can put resources where veterans live.

VA is maintaining its focus on the health care needs of its core group of veterans—those with service-connected disabilities, the indigent, and those with special health care needs.

“VA is moving forward,” Principi said. “We’re able to do so because of the generous budget proposed by President Bush for fiscal year 2004, including Oct. 1, 2003. It will be 7.7 percent more for health care than the expected FY 2003 budget. This will be the largest requested increase in VA history,” he said.

In order to ensure VA has capacity to care for veterans for whom our Nation has the greatest obligation—military-related disabilities, lower-income veterans or those needing specialized care like care veterans who are blind or have spinal cord injuries—Principi has suspended additional enrollments for veterans with service-connected disabilities. This category includes veterans who are not being compensated for a military-related disability and who have higher incomes.

The suspension affects only veterans in Priority Group 8, the lowest group in VA’s eight-level system for setting health care priorities, who have not enrolled as of January 17. Priority Group 8 veterans already enrolled will be “grandfathered” and allowed to continue in VA’s health care system.

Work is underway with the Department of Health and Human Services to determine how to give Priority Group 8 veterans aged 65 and older with VA’s health care system access to the VA+Choice Medicare plan. The plan calls for VA to participate as a Medicare+Choice provider. Eligible veterans would be able to use their Medicare benefits to obtain care from VA.

In return, VA would receive payments from a private health plan contracting with Medicare that would cover costs. The VA+Choice Medicare plan would become effective later this year as details are finalized between VA and the Department of Health and Human Services.

“HHS is happy to join the Department of Veterans Affairs in developing this new option for veterans who might otherwise be unable to obtain VA care,” said HHS Secretary Tommy G. Thompson.

“This is a creative marriage of our federal health programs to serve our veterans efficiently and effectively.”

VA has been unable to provide all enrolled veterans with timely access to health care services because of the tremendous growth in the number of veterans seeking VA health care. More than half of all new enrollees have been in Priority Group 8. This demand for VA health care is expected to continue in the future.

Between October 2001 and September 2002, VA enrolled 830,000 additional veterans. Since 1996, VA enrollment has increased by 2.9 million to 8.8 million today. Non-service disabled, higher income veterans accounted for the majority of the rapid enrollment growth, hindering the ability of VA to care for the service-disabled, the indigent and those with special needs. Even with the suspension of new enrollments for Priority Group 8 veterans, VA’s request for Priority Groups 1 through 7 are projected to enroll by the end of FY 2003.

“Last year, VA treated 1.4 million more veterans than in 1996,” said Principi. “Nonetheless, VA leads the nation in many important areas like patient safety, computerized patient records, telemedicine, rehabilitation and research. I do not want to see this standard continue, I intend to see it get even better.”

In a press release on January 17, the VA established an enrollment system to manage hospital and outpatient care within budgetary limits and to provide quality care to those who need it. The VA Department law requires VA to decide annually whether to maintain enrollment for all veterans.

With this record budget increase, I expect additional funding to go to medical facilities to help disabled veterans improve, along with a reduction in waiting times for all veterans,” Principi said.

[From the Gainesville Sun, Mar. 30, 2003]

VA: IRAQ WAR VETERANS WILL NEED CARE DENIED TO OTHERS

WASHINGTON—As the world watched U.S. soldiers hunker down in sandstorms last week, Veterans Affairs Secretary Anthony Principi saw respiratory problems in the making.

Add lung damage from sand to the list of threats—including bombs, bullets and possibly poison gas—that could haunt soldiers now fighting in Iraq.

When soldiers return, many are likely to seek treatment and benefits from a strained VA system. Principi said recent decisions to exclude some veterans from health care will help his department care for Iraq.

“It’s very important at this time, when you’ve got men and women in combat, that we assure the capability to treat them, that we’re not trying to care for everybody at the expense of those who take a bullet,” Principi said last week.

The VA excluded from health care this year hundreds of thousands of higher income veterans who don’t have service-connected disabilities. It also proposes new fees and higher drug co-payments designed to force 1.25 million others out of the system.

Principi, who had the arguments were intended to end long waiting lists at VA hospitals and clinics, said last week they also will make room for new combat veterans.

He told House members in a hearing last week that refocusing the VA’s mission on large-scale combat and commander priority is especially important now. The new spin on a series of decisions that began in January tangles the politics of the Iraq war with recent disputes about the administration’s treatment of veterans.

“If we have enough casualties that that’s going to be the rationale for withholding services, this is going to be a hell of a war,” said Sen. Bob Graham, a presidential candidate from Florida who is the ranking Democrat on the Senate Veterans Affairs Committee. “If there is, then there has really been an underestimate of the degree of resistance.”

Graham is a critic of Principi’s plans to exclude veterans and of the administration’s predictions of a quick victory in Iraq.

The debate is timely. The VA needs to tally its cost of the Iraq war. Tens of thousands of veterans of the war joined the VA health care system and sought disability benefits for everything from bullet wounds to chronic backaches.

Principi’s proposals for rollbacks, that concern isn’t reflected in the president’s 2004 budget. Nor, several lawmakers complained, was it a factor in President Bush’s request for an initial $7.5 billion to cover war costs.

If the 1991 Gulf War is any guide, the VA can expect soldiers to seek care. Indeed, Congress mandated in 1996 that VA establish an enrollment system to manage hospital and outpatient care within budgetary limits and to provide quality care to those who need it. The VA Department law requires VA to decide annually whether to maintain enrollment for all veterans.

With this record budget increase, I expect additional funding to go to medical facilities to help disabled veterans improve, along with a reduction in waiting times for all veterans,” Principi said.

[From the Gainesville Sun, Mar. 30, 2003]
prompt waves of new patients as active military, reservists and members of the National Guard return home.

The possibility that Saddam Hussein might have weapons of mass destruction will have many people hedging their predictions.

"We don’t know yet whether there’s going to be chemical or biological warfare," said Rep. Cliff Steers, a Florida Republican on the House Veterans Affairs Committee.

The VA so far has granted disability claims to about 150,000 of the 700,000 troops who fought in the first Persian Gulf War and have since left the services, or nearly 30 percent. About 250,000 Gulf War veterans received care at VA hospitals last year; part of an upward trend in which 10,000 to 20,000 more Persian Gulf veterans sought health care each year since 1993, according to VA data.

The force deployed to Iraq is smaller this time—about 250,000 with more on the way compared to 700,000 in 1991—but many lawmakers are concerned about the impact the VA could see.

Taxpayers for Common Sense, a budget watchdog group, estimated the war could require $10 to $20 billion in VA funding for health care and health care during the next 10 years. The wide range is based on the last Gulf War’s aftermath but reflects the current uncertainties.

Bush’s 2004 budget includes a $2.1 billion increase for VA health care, which is intended to deal with existing shortcomings. Prince concluded, the war will bring additional costs as soldiers require care for physical and psychological wounds.

Mr. GRAHAM of Florida. Mr. President, there is no linkage between the January 2003 legislation granting off veterans from enrolling in VA health care services and the costs which the VA is legally obligated to assume for service personnel who will be returning from the second Gulf war. We gave the VA the duty to care for service members after numerous troops returned from the first Gulf war. This duty stretches not only to injuries in combat but also to those who suffered mysterious illnesses, the cause of which, in many instances, still remains undetermined.

The use of this war will not end with the war itself and will not be confined to the borders of Iraq. Veterans will continue to pay those costs for years to come. We must be prepared for thus far neglected costs of war by assuring the VA will be prepared when the newly created veterans of Operation Iraqi Freedom seek their health care. It is our responsibility to assure the VA has adequate resources to fulfill this promise. It is a promise which we, the Congress, made to our servicemen. The American Legion urges you and your colleagues to provide the necessary funding to meet the health care needs and benefits for veterans—past, present, and future.

Mr. GRAHAM. I would like to thank you for your proposal amendment to the Fiscal Year 2003 Supplemental Appropriations Bill to increase Department of Veterans Affairs (VA) health care funding by $375 million. As you know, sick and disabled veterans suffer because of insufficient funding in VA health care. This would ensure that the government is capable of meeting the needs of not only veterans currently using the system, but also those returning from the recently-separated, combat-veterans timely access to VA’s quality health care.

Currently, VA is struggling to provide services for the current veterans’ population and this supplemental funding will be essential to anticipate the needs of returning service members from the second Gulf War. While this Nation gives its full support to the war fighters, it must equally match its support for those returning from war. The American Legion urges you and your colleagues to provide the necessary funding to meet the health care needs and benefits for veterans—past, present, and future.

In thanking Mr. Nelson for his efforts and continued support, the American Legion applauds your efforts and your continued support of the men and women who serve and have served in uniform.

Sincerely,

STEVE ROBERTSON,
Director, National Legislative Commission.

Mr. BOB GRAHAM, Ranking Member, Committee on Veterans’ Affairs, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR GRAHAM: I would like to thank you for your proposed amendment to the Fiscal Year 2003 Supplemental Appropriations Bill that would increase Department of Veterans Affairs (VA) health care funding by $375 million.

As you know, sick and disabled veterans suffer because of insufficient funding in VA health care. This would ensure that the government is capable of meeting the needs of not only veterans currently using the system, but also those returning from the recently-separated, combat-veterans timely access to VA’s quality health care.

The American Legion urges you and your colleagues to provide the necessary funding to meet the health care needs and benefits for veterans—past, present, and future.

The American Legion fully supports this effort. Thank you for your advocacy on behalf of our nation’s sick and disabled veterans.

Sincerely,

EDWARD R. HEATH, Sr.,
National Commander.

Mr. BOB GRAHAM, Ranking Member, Committee on Veterans’ Affairs, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the members of The American Legion, I would like to express our strong support for your amendment to provide $375 million in funding for the Department of Veterans Affairs (VA) health care system in the War-Time Supplemental Appropriations bill.

In approving legislation, now Public Law 108-112, the Congress extended essential health care benefits for service members returning from combat duty after the first Gulf War. This law provided access to VA health care benefits for newly separated veterans for a two-year period following their return to civilian life. The Department of Veterans Affairs must be prepared and adequately funded to meet the challenges placed upon it by a new generation of returning veterans as well as, undoubtedly, health care demand from increasing numbers of veterans who served in service-connected disability as a result of this new war in Iraq.

Thank you for your continuing care and concern for those who serve and have served in defense of this Nation.

Sincerely,

RICHARD B. FULLER,
National Legislative Director.

Mr. NELSON of Florida. Will the Senator yield?

Mr. GRAHAM of Florida. I yield.

Mr. NELSON of Florida. I join my colleagues from Florida in supporting his amendment. The Senate clearly has examples all over the country but even, for example, have exemplary care, for instance, in our State of Florida, veterans of the backlogs of 6 months before a veteran can get an appointment. One of the clinics has enrollment backlogs of up to 2 years just to get in the system. There are 44,000 veterans in Florida who are backlog. We have 6 months for appointments. Nationwide, there are 230,000 veterans waiting to get an appointment and have to wait 6 months. That is unconscionable.

Then, the administration, in trying to deal with the shortage of money, has denied enrollment of what is called category 8 veterans which are not service connected and have an income of over $24,000 a year. They cannot even get into the system. Nation wide, that is 90,000 veterans.

I think my colleague from Florida has made the case most poignantly and I certainly will support the distinguished senior Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, I express my appreciation for the comments by my good friend and colleague, Senator Nelson. What the VA seems to want to do is to use the money saved by denying services to hundreds of thousands of veterans. They want to use it twice. In January, the rationale was they could not meet their core responsibilities, for instance, for veterans who had a service-connected disability. In March, they want to use the same $375 million to pay for the veterans who will be coming out of the Gulf war and will, by statute enacted by this Congress in 1998, be eligible, be guaranteed, access for 2 years to VA health care services.

They cannot have it both ways. The reason I think the Senate has to recognize this as a cost of war. But for the fact that we have men and women, including reservists and National Guard personnel at risk in combat, we would not be
talking about an additional $375 million. However, the fact is, they are in combat and they at some point, like the 82 percent from the first Gulf war, will be separated from the service and therefore become eligible.

We also face the challenge of the large number of veterans who are otherwise eligible because of their previous service for VA benefits who have been cut off. We need to deal with both of these problems. At least by adopting this amendment we will deal with the most current group which are the combat veterans from the war which is currently underway.

Mr. STEVENS. Mr. President, this amendment would provide an additional $375 million for VA medical care to address the medical needs of returning veterans from the war in Iraq. This funding would be used to meet the funding requirements of the Veterans Programs Enhancement Act of 1998 which entitles, for 2 years following participation in combat operations, any active duty service member is immediately eligible to receive VA health care upon release or separation from service.

These funds will be needed at some point in the future but this amendment does not meet the requirements of this supplemental as funding that is needed immediately to address concerns related to homeland security or the war in Iraq.

While I agree with my colleagues that VA medical care is not meeting the medical needs of veterans in a timely manner and there is much to be improved, the problem is as much systemic as it is funding. However, this funding is not needed now on the heels of the fiscal year 2003 Omnibus Appropriations bill in which we appropriated some $23.9 billion for VA medical care. This funding level was an increase of some $2.6 billion over the fiscal year 2002 level and $7.3 billion over the fiscal year 2003 Budget Request. The VA medical system has all the funds that it can absorb this year and will be able to meet the medical needs of any returning veterans from the war in Iraq. We will need additional funding for VA medical care in the future but that is the job of the fiscal year 2004 and fiscal year 2005 appropriations bills.

I also do not want to leave my colleagues with the false impression that VA medical care has been broken. Yes, there are problems with patient backlog, but I can assure you that Secretary Principi has made a commitment to fix VA medical care and has made significant strides in addressing veteran concerns, reducing patient backlog and improving VA medical care.

Ms. MIKULSKI. Mr. President, I arise in strong support of the Graham amendment to increase funding for VA medical care.

I am proud to cosponsor the Graham amendment. Our men and women in uniform have my steadfast support. We must support the brave men and women who are fighting for our country. Our troops need to know that America is with them, and we owe them a debt of gratitude. We need to remember our troops in the Federal checkbook.

That is why I am proud to cosponsor the Graham amendment. The amendment is simple and straightforward. It would provide $375 million more for VA medical care, so that when our troops return from war, the VA can give them the medical care they deserve. Under current law, we passed after the Persian Gulf War, the VA must give priority to returning troops for immediate medical care. But the VA medical care system is strained. Nationally, there are 236,000 veterans waiting longer than 6 months to get their first appointment with a VA doctor. In January, the VA health care system stopped accepting Priority 8 veterans. These are veterans who are not service disabled, and whose income is higher than about $29,000 per year. This means that the VA medical care system is not adequate, or functional whatsoever. Under a law we passed after the Persian Gulf War, the VA must give priority to returning troops for immediate medical care. But the VA medical care system is strained. Nationally, there are 236,000 veterans waiting longer than 6 months to get their first appointment with a VA doctor. In January, the VA health care system stopped accepting Priority 8 veterans. These are veterans who are not service disabled, and whose income is higher than about $29,000 per year. This means that the VA medical care system is not adequate, or functional whatsoever.

As the ranking member on the VA–HUD Appropriations Subcommittee, my guiding principle for the VA budget is that we keep the promises we made to our veterans. In the last four years, the VA–HUD Appropriations Committee provided large increases for medical care, including $1.7 billion in 2000, $1.3 billion in 2001, $1 billion in 2002, and $2.4 billion in 2003. We provided these increases because we know that the failure of private health insurance companies and high prescription drug costs are really straining our veterans on fixed incomes. At the same time, our veterans population is growing and getting older. Today, the VA treats 2 million more veterans than in 1996. And while I am very concerned that the administration’s budget for next year does not keep promises to our veterans, and will not support the needs of our troops. The VA’s budget puts new toll charges and means tests on our veterans. Specifically, the budget proposes four things. First, the budget proposes to keep the VA closed to Priority 8 veterans. Second, the budget proposes a new $250 entrance fee for veterans. Third, the budget proposes to increase outpatient primary care copayments from $15 to $20. Fourth, the budget proposes to increase prescription drug copayments from $7 to $15.

I raised my concerns about these proposals with Secretary Principi during the VA–HUD Subcommittee budget hearing last month. We have great respect for Secretary Principi. He is a Vietnam Veteran who continues to serve his country. Now he’s battling OMB against a skimpy and spartan budget. We are concerned that the budget the OMB gave VA this year leaves the VA foraging for funding. It will leave our troops without access to the medical care they deserve.

I urge my colleagues to support our troops and our veterans in the Federal checkbook by supporting the Graham amendment.

Mr. DASCHLE. Mr. President, the full attention of the Senate is focused on the military campaign in Iraq. The newspapers this morning were focused on our latest military feats, including the apparent destruction of two important Republican Guard divisions and the apparent destruction of two important Republican Guard divisions. The newspapers this morning were focused on our latest military feats, including the apparent destruction of two important Republican Guard divisions.

Senator Bob GRAHAM, the ranking member of our Veterans’ Affairs Committee, has asked us to look ahead and begin planning for the future to ensure that our veterans receive the counseling, health care, and other services we know they will need after the last battles are fought.

The Graham amendment, of which I am proud to cosponsor, would provide $375 million to the Department of Veterans Affairs so the VA can provide adequate care for returning troops.

I cannot stress enough how vital this amendment is.

During my career, I have been involved in dealing with the aftermath of two major wars, Vietnam and Operation Desert Storm. In both cases, there was enormous confusion, frustration, and pain—much of it unnecessary, in my view—because our government assumed that veterans would come back and pick up their lives where they left off before the war.

It didn’t work that way, and it probably never will. I learned this the hard way, from talking to hundreds of veterans about post-traumatic stress disorder, Agent Orange, readjustment counseling, and Gulf War illnesses. A fascinating literature review, published in the Journal of Traumatic Stress in 1996, found that war syndromes, many of them poorly understood, have been associated with armed conflicts at least since the Civil War.

Today’s amendment would prepare us to assist veterans for the first time in a way that allows us to avoid repeating the mistakes of the past. It is not the complete answer, but it begins to move us in the right direction, by adjusting VA funding levels to reflect the number of veterans who will be returning from Iraq.

The funding level in this amendment has a very logical basis. We know that about one-third of veterans from the Gulf War and other conflicts have service-connected disability claims, which makes them eligible for VA health care. We can expect, at a minimum, a similar number of veterans to turn to the VA after the conflict. The number may be even higher than that because since our troops so far are experiencing more ground combat and higher casualties than in Operation Desert Storm. So if one-third of our returning troops seek VA compensation or health care, the total cost associated with this legislation—that fits our VA’s average per-patient cost—would arrive at an approximate dollar figure: $375 million, the amount requested in this amendment.
Remarkably, the Administration claims the VA already has sufficient resources to accommodate returning veterans. To that surprising claim, I would respond that the VA’s wait list in the upper Midwest now forces 23,000 veterans to wait over 6 months for health treatment. For next year, the Administration has told us that it needs to charge veterans $250 million in new fees and higher copayments, not to raise money, but to drive away 1.2 million veterans from VA hospitals and clinics. Except the White House is using the word “crisis” to describe the current state of affairs at the VA.

Senator Graham has a recent newspaper article from Florida, in which VA Secretary Anthony Principi report-edly claims that the VA can take care of returning troops because it blocked access to VA health care for thousands of middle-income veterans. But in January, when the regrettable eligibility decision was announced, the Secretary said this move was necessary just to begin working down the atrocious backlogs at VA hospitals and clinics.

Sadly, this is just another chapter of an old story with this administration. This goes back to the VA, their budget claims long ago ceased to be credible. The ranking member of the Veterans’ Affairs Committee, Senator Graham, deserves our thanks for stepping into the leadership void and proposing a constructive solution.

We are all proud of the spirit, valor, and selflessness exhibited by our troops. Now is the time to show our understanding, our recognition, of the personal cost associated with wartime service. I urge all senators to join this effort to prepare the VA to meet the needs of these men and women after they return home.

Mr. STEVENS. What is the time situation?

The PRESIDING OFFICER. The Senator from Florida has 4 minutes and the Senator from Alaska has 10 minutes.

Mr. GRAHAM of Florida. Mr. President, I do not believe there are any Senators requesting to speak under my time, so I reserve my time for final remarks until Senator Stevens has completed his comments.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have to agree with my colleague from Florida that additional funds will be needed in the VA medical care account in the future. That, again, is a job for the 2004/2005 bill. Those people are coming out of the service and are cared for a period of time after they leave the service and the VA picks them up at the end of that time. This $365 million is strictly for the medical needs of returning veterans from the war in Iraq. That is $365 million.

Mr. GRAHAM of Florida. Mr. President, I now move to the table the amendment of the Senator from Florida. I ask unanimous consent that it be set aside to occur in the sequence that beings at 10 minutes of time.

Mr. GRAHAM of Florida. Mr. President, I now move to the table the amendment of the Senator from Florida. I ask unanimous consent that it be set aside to occur in the sequence that begins at 10 minutes of time.
Mr. STEVENS. I am not prepared to agree to the yeas and nays at this time.

The PRESIDING OFFICER. The Chair needs to inform the Senator from Alaska the motion to table is not in order because time remains to the Senator from Florida.

Mr. STEVENS. I apologize. I thought the Senator used his time.

Mr. GRAHAM of Florida. The Senator from Alaska is correct. I have used my time and am prepared to yield it back. Let me make a parliamentary inquiry. The Senator from Alaska is now requesting a motion to table my amendment, which will be voted on later today. I want to be clear I am not foregoing my right to ask that there be a recorded rollcall vote on that motion to table.

Mr. STEVENS. Mr. President, I have no intention to deny that. I may wish to ask the Senator to modify his amendment at a later date, so I would like to not get the yeas and nays yet, but I will agree to them when the time comes, if necessary.

The PRESIDING OFFICER. The Senator from Nevada has not lost the right to request the yeas as a matter.

Mr. GRAHAM of Florida. I yield the remainder of my time.

Mr. STEVENS. I thank the Senator. I do make the motion to table and reserve the right to decide what to do.

Under our understanding, we will have Senators from our side of the aisle offer amendments now. I see the Senator from Nevada here. He has an amendment.

Before that, if he doesn't mind, I ask unanimous consent that we return to the amendment of Senator BAYH and have it put before the Senate.

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

AMENDMENT NO. 488, AS MODIFIED

Mr. STEVENS. I send to the desk a modification of that amendment on behalf of Senator BAYH and his co-sponsors and myself.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 474), as modified, is as follows:

On page 38, after line 24 add the following:

SEC. (a) No funds made available in this Act for purposes of reconstruction in Iraq may be provided, to a person who is a citizen of or is organized under the laws of France or Germany unless physically located in the United States.

Mr. ENSIGN. 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:

For additional expenses necessary to support grants to States for smallpox and other bioterrorism inoculation activities, $105,000,000, to remain available until September 30, 2004, provided, That this amount is transferred to the Centers for Disease Control and Prevention.

Mr. STEVENS. The amendment has now been modified according to the submission I made.

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I now urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 474), as modified, was agreed to.

On page 38, after line 24 add the following:

For additional expenses necessary to support grants to States for smallpox and other bioterrorism inoculation activities, $105,000,000, to remain available until September 30, 2004, provided, That this amount is transferred to the Centers for Disease Control and Prevention.

Mr. STEVENS. Mr. 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.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator from Nevada has an amendment, and I know he is willing to accept a short time agreement. But I would ask him to offer it, have it read, and then we will see how much time may be required.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 489

(Purpose: To prohibit the use of funds in a manner that benefits citizens or businesses of France and Germany unless physically located in the United States)

Mr. ENSIGN. 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 Nevada (Mr. ENSIGN) proposes an amendment numbered 489:

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

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

Mr. STEVENS. Mr. President, has it been read? Was the amendment read in full?

The PRESIDING OFFICER. The Senator asked consent to have the reading of the amendment called off.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the amendment be read.

The PRESIDING OFFICER. Without objection, the clerk will read the amendment.

The legislative clerk read as follows:

At an appropriate place insert the following:

SEC. (a) No funds made available in this Act for purposes of reconstruction in Iraq may be provided, to a person who is a citizen of or is organized under the laws of France or Germany, unless such person is a resident of or organized under the laws of the United States.

Mr. STEVENS. Mr. President, I ask unanimous consent there be 30 minutes on each side for this amendment. I do not know how much time Senators might request, but I have been informed there may be several Senators who wish to discuss the matter, and 30 minutes on a side would be sufficient.

Does the Senator from Nevada wish to be recognized?

Mr. REID. Mr. President, I say to the manager of the bill, I am going to talk to Senator Biden. He has called the cloakroom. I will see how he feels about this. He is at a Foreign Relations matter.

Mr. STEVENS. Mr. President, I withdraw the request for the unanimous consent, but I do believe there is going to be substantial need for time on this one.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I have a very simple amendment.

As we have seen leading up to this time of war, the United States and our President attempted many diplomatic means to try to make us not go to war. And many people, including myself, feel those diplomatic means were thwarted by some of our traditionally closest allies. And what I mean by thwarted is that the stronger of a hand our President would have had in the negotiations, I believe the better chance we would have had of not going to war.

Gerhard Schroeder, in his election bid, I believe, shamelessly used some anti-American sentiments to narrowly gain his reelection. Now, that may have been a shrewd political move for him to make, but it was certainly not statesmanlike. He started many in the world against the United States in this diplomatic effort that we were engaged in in trying to avoid war with Iraq by giving them to discuss the matter.

After Germany started leading this battle, France joined the battle and has taken it to a new level, much to the dismay of, I believe, most Americans.

We now are engaged in a conflict to change the regime in Iraq. That regime, by all accounts, is a brutal regime and needs to be changed. And we need to disarm that country from weapons of mass destruction, which, as Americans—and I think the rest of the world looking on—we can see what a fabulous job our military is doing in accomplishing their mission.

My amendment today says when the conflict is over and we are going to rebuild Iraq, American taxpayer dollars are not to go, in the rebuilding of Iraq, to French or German companies, to French or German citizens, because of what their governments did in opposing the United States. It was not just that they voted against us at the United Nations. They led—especially France led—the world against the United States and, I believe, because of that, made it more difficult in Turkey. If we could have had our ground troops available in Turkey, we could end this war much sooner than when it will be ended.

So this amendment says American tax dollars, in the rebuilding of Iraq, and really refocused from going to any companies and/or citizens from the countries of France or Germany.

Now, if a company from France actually has a subsidiary in the United States, this amendment allows people, our amendment allows the company, that subsidiary to bid on the contracts. But in no case can the company that is located in France or located in Germany bid on these contracts and win the contracts from the United States.

So now, in the future, if the United Nations and other countries decide to put together a coalition and fund that coalition with international dollars or
their own dollars, our President, the State Department, and everybody else in the United Nations concerned can give the contracts to whomever they want. But I believe, as an American—and I believe the American people would support me—that the same American people would support me if I were to say it would be wrong to have our tax dollars going to companies and individuals within France and within Germany because I believe their behavior leading up to this was really quite despicable.

So, Mr. President, I offer this amendment to the Senate today. I hope it is supported widely across this body. I believe it is the right thing to do. I believe it will send a strong message in the future that when countries are trying to do the right thing, and rid the world of a brutal dictator, they should be supported, and you should not expect a reward afterward, as we are seeing countries now around the world trying to jump on board as the war looks like it is going well. We should not reward those countries who, the first place, had opposed us.

So, Mr. President, I reserve the remainder of my time and look forward to hearing other Senators speak on this subject.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to oppose this amendment. I very much respect the distinguished Senator from Nevada. However, I think this amendment is enormously destructive. If America is going to become an arrogant nation, do things only our way, this is a good way to begin. I believe it would be a tragic and a terrible mistake.

The amendment is couched in such words that no one would know exactly what it means. It reads:

No funds made available in this Act for purposes of reconstruction in Iraq may be provided to a person who is a citizen of or is organized under the laws of France or Germany, unless such person is a resident of or organized under the laws of the United States.

Just to know how this would affect an employee of a given company, an officer of a given company, or anyone else, I think creates a whole miasma of very real problems. I think to use the word “despicable” perhaps is hyperbole. I think there is a legitimate point of difference between European nations and the United States with respect to how to handle Iraq. Culturally there are differences. Diplomatically there are differences. But to pass a piece of legislation that puts America’s No. 1 ally in a position of being an absolute enemy of this country, I think is a terrible thing to do. I would hope we would vote down this amendment.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Nevada.

Mr. ENSIGN. Mr. President, I believe we will have relationships with France and Germany. We have had many good relationships with both of those countries in the past. I believe we need to have good relations with both of them in the future. But I just think it would be patently wrong for us to use money from this supplemental bill we are doing today in providing for the rebuilding of Iraq, it would be absolutely wrong for us to be supporting countries that actively tried to get the rest of the world to oppose us in doing what the United States believed was right in the world: To disarm a brutal dictator, to rid his own country of weapons of mass destruction which were used against his neighbors. When a country stands up and tries to do what is right—not in an arrogant sort of a way but in a way in which it is trying to do something that is right—its closest allies should not lead some of the world opinion against it.

The United States during World War II was the leader with our allies in getting rid of a brutal dictator back then. Today the United States is attempting to do the same thing. Some countries tried to appease Adolf Hitler during World War II. We were hearing up until this a lot of the same arguments, especially from the French, about Saddam Hussein. Well, we will just deal with him. We could just appease him, just keep him going along.

I believe brutal dictators understand force. They understand countries that will stand up to them. The more you try to appease them, the more it emboldens them. That is why France was trying to lead the rest of the world to do, to make Saddam Hussein more dangerous in the future.

President Bush is leading a coalition to disarm Saddam Hussein and to disarm him from weapons of mass destruction. It is the right thing to do. When we are done with it, when we rebuild that country, liberating the Iraqi people is going to take some reconstruction. It always has to happen. A better thing is that the United States is, we don’t just go over, liberate people, and then walk away. We actually believe there is a responsibility. We want to help rebuild that country. But I think it would be absolutely wrong for American tax dollars to go to countries and companies in those countries that have tried to turn the world against us.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to respond. The fact is, there are dozens of countries in this world that disagreed with what the United States is doing. I am one who voted to authorize the President with the use of force. Most of the larger countries in the world disagree.

Additionally, the French and the Germans, in many ways in the war against terror, have been helpful to the United States. Those of us who serve in the intelligence community know this. We know that intelligence comes from both of those nations which is instrumental in helping in the war on terror.

The unilateral approach of this country is subject to some concern by other countries. That is not necessarily a bad thing. This is the first time in America’s history we have unilaterally, with Great Britain, with the help of a couple of others, come to the rescue. In Kosovo, European security was threatened. America came to the rescue. In Iraq, European security was threatened. America came to the rescue. With Iraq, American security is threatened and Germany and France are AWOL. It would be entirely

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, the bill actually reflects sort of the sentiments we are talking about here today, but it is only a sense of the Senate. We actually want to put it in legislative language. Section 506, page 35 says:

It is the sense of the Senate that, to the maximum extent practicable, contracts (including subcontracts) and grants for research and reconstruction in Iraq from funds appropriated under this chapter should be awarded to United States companies (particularly small and medium sized businesses) and organizations, to companies and organizations in the Near East and to those from countries which have provided assistance to Operation Iraqi Freedom.

Our amendment narrows it. It was said there are countries that have been opposing America around the world, not just France and Germany. I agree. But it is France and Germany that have been leading the fight. That is the reason we targeted those two countries. In World War II, European security was threatened. America came to the rescue. In Kosovo, European security was threatened. America came to the rescue. With Iraq, American security is threatened and Germany and France are AWOL. It would be entirely
inappropriate for the money from an emergency supplemental bill to pay for the war and pay for reconstruction of Iraq, for those monies to go to countries that have attempted to lead the world against us in protecting our own security? I will not be here long enough for your answer to that. I am not concerned, the purse strings are controlled in the U.S. House and the U.S. Senate.

Mr. REID. Mr. President, I have spoken to the ranking member of the Foreign Relations Committee, Senator Biden, and he is unable to be here right now. He will be here in the next 15 minutes. He indicated he would take a relatively short period of time. He may have an amendment to offer and he can discuss that with the sponsor of the bill when he arrives. So we will stay on this amendment until Senator Biden arrives.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mrs. FEINSTEIN. Mr. President, I would like to make a couple of points on the amendment. I ask the distinguished Senator two questions. The first is, is he aware that Germany has allowed over 60,000 U.S. troops to pass through U.S. Air Force bases in Germany—all troops bound for Iraq? Is he aware that the Germans have helped in many ways?

Second, is he aware that there are already contracts out from our Department of Defense with firms that would be nullified under this bill? Also, I would like to ask the question, if he does know, to what extent would those contracts be nullified by this legislation?

Mr. ENSIGN. Mr. President, I am very aware of the role that Germany is playing there. We defended Germany, with those bases, from the Soviet threat during the entire cold war. It is the reason that Germany hasn't had to spend hardly any money on their national defense—because America has been providing that umbrella of defense, and now we are using those bases, obviously, with their permission.

That is something we appreciate, but it doesn't take away the fact of the role they played in trying to turn world opinion against the United States. I still think it is inappropriate to have these funds going toward these other countries. If this nullifies those other contracts, as far as I am concerned, the purse strings are controlled by the U.S. House and the U.S. Senate. That is a different matter. We should be able to at least discuss—when we feel strongly—where some of those funds could go. I think it would be highly inappropriate for those funds to be going toward companies and persons from Germany and from France.

Mrs. FEINSTEIN. Mr. President, if I might, I would like to read an editorial that was published in the Los Angeles Times. I think it is pertinent. It was published last 30th of last month, a few days ago. It is entitled, "Move Past the Grudges."

The United States should act to review tattered alliances that will be needed in the fight against terrorism.

It goes on to point out: Blair visited Bush at Camp David last week and readily acknowledged the bruses left by the rancorous United Nations debate before the war. When Bush was asked about the many nations that declined to join the Iraq war alliance, he replied only that the United States and Britain had plenty of Western allies that continue to stand with the United States. Blair and many countries disagree with what we are doing. How that divide is handled now and after the war will affect global relationships for years to come.

Mr. President, I could not agree more. I don't know why we have any need to be small, to be rancorous, and to be bitter. Right now, we have our men and women in harm's way, and the battle is turning and it is favoring our side. That is what we can put this conflict to an end, that we can mend the wounds, that we can rebuild the country, that we can show to the entire Muslim/Arab world that America is indeed an open, fair, democratic country, and we care about the Muslim people.

I don't believe any purpose is served by this amendment. I don't believe the world is going to be a better place because we pass this amendment. I don't believe who we are going to be able to restore or bind any wounds with this amendment. I believe we will drive deeper the scars into the psyche of America with this amendment. I believe we will spread apart our alliances with this kind of amendment. I hope this amendment is not a harbinger of things to come on the floor of the U.S. Senate because I believe it does disrespect to a strong, able, competent, and compassionate United States of America. I urge its defeat.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I am here to ask the question. If he does know, to what extent would those contracts be nullified by this legislation?

Mr. ENSIGN. It has been asked. What should the United States do to repair our relationship with France? My question is, how do you want to get the superpower, come over here and join us, I think to take advantage of those kinds of natural sentiments in the world has been very wrong, when the U.S. is trying to do something that I believe is on the moral high ground. All you have to do is look at how this brutal regime treats prisoners of war—they torture them—or how they treat their own people, who either are afraid to fight—I mean, if you had bombs coming in night after night after night and as we see people getting blown up in their tanks, you would think that that might be a little unnerving.

When those people try to go back to their homes, they say: You know what. That regime is not worth giving my life for. What do they do? They have checkpoints, and as those people try to leave, they are shooting them. That is the kind of regime with which we are dealing, and that is the kind of regime France was trying to go to. France and the United States doesn't go into countries to occupy them. We are going into Iraq to liberate it and rebuild it and then get out. We want to get out of there as soon as possible. We would love to be able to have a stable, democratically elected government there as quickly as possible; have infrastructure put in place and get out of there. We don't want to have troops on our doorstep. We want to be able to negotiate with these people, whatever, to be potentially in harm's way for any longer than they have to be.

So France, in its effort to continue to curry favor with the Saddam Hussein regime, and to continue the good relations they have, I believe has done something that is very wrong. So I believe France has an obligation to America to try to repair the relationship they have with us. I believe it is up to them to make the first step, and they certainly have not done that—at least up to this point.

Are we open to having them do that? Absolutely. But they have not done it up to this point. At least Germany is making some strides, but France even said they would do that. If you look at this historically, over the last many years, France has done just the opposite. France didn't even want Turkey to be able to defend itself against weapons or missiles coming in. They use NATO to defend Turkey from missiles coming in from Iraq. That is how much France has wanted to keep favorable relations with Saddam Hussein and his brutal regime.

What is the motivation for this? I don't know. Maybe because France and Jacques Chirac helped them build a nuclear reactor that would lead to nuclear bombs, and then once Israel took out their nuclear reactor, he offered to rebuild it. There seems to be some interest that France has with Saddam Hussein that leads to ulterior motives and this whole idea of getting the world against the United States.

So for France to have taken this idea that the United States is a superpower, and you want to use the only superpower, come over here and join us, I think to take advantage of those kinds of natural sentiments in the world has been very wrong, when the U.S. is trying to do something that I believe is on the moral high ground. All you have to do is look at how this brutal regime treats prisoners of war—they torture them—or how they treat their own people, who either are afraid to fight—I mean, if you had bombs coming in night after night after night and as we see people getting blown up in their tanks, you would think that that might be a little unnerving.
to come to the table with something for those relations to improve. The United States gives and gives and gives, and it is time for the United States to hold countries accountable that come against us. That is all I believe this is doing. It is not paying dollars that are earned by the American people and sent to Washington, DC, are not going to be sent to companies and citizens of France and Germany.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Ensign amendment be temporarily set aside so we might consider an amendment offered by the Senator from Arizona.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, as I have explained to the managers of the bill, we have been waiting on the Senator from Delaware. He will be here and he will now speak after the Senator from Arizona. It is my understanding on the Ensign amendment there are others who wish to speak so Senator BIDEN would not be the last.

I have no objection.

Mr. MCCAIN. Mr. President, as I said earlier, I have an amendment that the Ensign amendment be temporarily set aside so we might consider an amendment offered by the Senator from Arizona.

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

Mr. STEVENS. Mr. President, I understand there may be several Senators who wish to speak on the amendment of Senator Ensign. It would be my desire that we accommodate those people but then go back to the McCain amendment until he has finished. The Ensign amendment will be with us for a little while this afternoon.

Mr. MCCAIN. I am sure it will not be long, but since my colleague Senator KYL wants to speak on it, I would like to wait before entering a time agreement.

Mr. STEVENS. Mr. President, I ask unanimous consent that the McConnell amendment, as provided for under chapter 10 of title XI of the bill, be considered in the framework of the bill.

Mr. REID. Reserving the right to object, I ask unanimous consent that the McConnell amendment be considered in the framework of the bill.

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

Mr. MCCAIN. I thank the Senator from Arizona.

Amendment No. 481

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The amendment is as follows:

(Purpose: To remove unauthorized and earmarked appropriations)

At the end of the bill, add the following:

LIMITATIONS ON OTHER PROVISIONS

Notwithstanding any other provision of this Act:

(1) Amounts made available under sections 310, 312, and 313 of title I shall not be made available for the purposes stated in those sections.

(2) Amounts made available for each of the following items elsewhere in this Act for fiscal year 2003 shall not be made available as provided in this Act:

(A) $500,000 for the Great Lakes Fishery Commission to be used for sea lamprey control in Lake Champlain within the Procurement, Acquisition and Construction Account of the National Oceanic and Atmospheric Administration of the Department of Commerce as provided for under chapter 2 of title II.

(B) $225,000 for the Mental Health Association of Tarrant County, Ft. Worth, Texas, to provide school-based mental health education to schools in Tarrant County; $200,000 for the AIDS Research Institute at the University of California, San Francisco, for Developing County Medical Program to facilitate clinical care between the United States and developing countries; and $1,000,000 for the Geisinger Health System, Harrisburg, Pennsylvania, to establish centers of excellence for the treatment of autism, as provided for under paragraph (5), under the amendments to Public Law 108-7 for matter under the heading “Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services, under the Department of Labor as provided for under chapter 5 of title II.

(3) Amounts appropriated for each of the following items for fiscal year 2003 shall be zero instead of the following amounts appropriated elsewhere in this Act:

(A) $98,000,000 for Buildings and Facilities under the Agricultural Research Service of the Agricultural Department as provided for under chapter 1 of title I.

(B) $225,000 for the Mental Health Association of Tarrant County, Ft. Worth, TX, or AIDS research at the University of California, San Francisco, for Developing County Medical Program to facilitate clinical care between the United States and developing countries; and $1,000,000 for the Geisinger Health System, Harrisburg, PA, for the study of treatment of autism at the Geisinger Health System, Harrisburg, PA. None of those, even in one of wildest imagination, relates to the title of this legislation.

What Senator KYL and I have done is propose an amendment, rather than drag the Senate through each individual measure and forcing votes on it—which we could have done—but lump them all together and find out whether the Senate is going to continue its porkbarreling ways, which has become to me, a national scandal, or we are going to draw the line somewhere.

Let me go specifically through what our amendment would not fund. It would not fund $98 million for buildings and facilities under the Agricultural Research Service to continue construction for USDA research facilities. Of course, it is designated in Ames, IA.

The very first lines in the emergency supplemental bill include $98 million in funds that are intended to be used to continue modernization work on the animal and inspection services facility near Ames, IA. I note this facility received favorable attention from the appropriators previously when a $50 million earmark for the same facility was included in last year’s supplemental bill that was intended to fight the war against terrorism. An additional $33 million was also earmarked in the fiscal year 2003 omnibus appropriations bill.

The administration has previously stated additional funding as suggested in last year’s supplemental bill was not an essential priority at that time. As a further demonstration of the non-emergency nature of this project, the administration’s 2004 budget does not request any funding to supplement this effort.

Certainly, the study of farm animal diseases and controlling known and unknown animal diseases are clearly important to national public health
issues. As part of the Government's effort to improve its knowledge of disease agents and mechanisms, this research facility and other related facilities serve an important purpose. However, this work is already underway. In addition, $98 million as part of this essential war spending measure is simply not required or necessary.

Finally, this ongoing project will clearly be the subject of additional appropriations in future years through the routine appropriations process. These particular renovations are not scheduled to be completed for at least a few more years. I find it difficult to believe removing this $98 million earmark at a time when it is not needed will jeopardize its continued planning and construction.

We will not fund $50 million for the Maritime Administration's title XI loan guarantee program. Chapter 10 of title I provides $50 million in funding to the Maritime Administration's title XI guaranteed loan program for shipbuilders and shipyards. As I said yesterday, this funding 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 did not propose funding it, either in its 2004 or 2003 budget. The Title XI program does not serve any defense or homeland security purpose. It should not receive funding under the guise of war-time need.

The title XI program is without question one of the most wasteful and mismanaged guarantee programs in the Federal Government. Since 1998, 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. Moreover, how can this provision be aimed at supporting the current war when vessels take years to be built? It simply cannot.

I take a moment to respond to some of the comments made by my colleague yesterday on the floor in defense of the title XI Maritime Loan Guarantee Program that warrant clarification to ensure there is no misconception about the program.

First, it was asserted that this program is a critical need for the auxiliary marinoty during time of war. Yet based on information provided by the Maritime Administration, nothing could be further from the truth. The fact is, as I indicated in my statement yesterday, out of the 51 vessels currently being used in support of Operation Iraqi Freedom, only 1 was built using a title XI maritime loan guarantee. Furthermore, when the Maritime Administration reviews such loan applications, it does not evaluate them to determine if the proposed vessels have any military applicability.

Second, the proponents of this funding claim that the program strengthens our shipbuilding industrial base in support of our defense needs. This argument has been used time and time again in an attempt to justify this pork barrel program. Appropriators have claimed for years that commercial ship construction keeps the shipyards open and reduces the costs associated with defense ship construction.

I cannot argue against the claim that providing subsidies helps to keep shipyards open, if any evidence that commercial ship construction reduces the costs associated with defense ship construction. In fact, recent evidence shows just the opposite.

In February, the Department of Justice filed suit against Newport News Shipbuilding for knowingly mischarging the U.S. Navy for more than $72 million of costs related to the design and development of commercial planks. This funding was passed through as overhead on major Navy shipbuilding contracts. This is one case, but clearly more investigation is needed to determine how other yards are doing their work.

I point out again, $490 million in defaults over the last 5 years is a lot of money. Speaking of a lot of money, I point out the $98 million for building facilities under the Agricultural Research Service and $50 million for the Maritime Administration is about $350 million that is being added. So we are not talking about small amounts of money.

Mr. President, $500,000 for another program that will not be funded is $500,000 for the Great Lakes Fishery Commission. Title 11, Chapter 2 of the bill earmarks $500,000 for the Great Lakes Fishery Commission to be used for sea lamprey control in Lake Champlain. This funding was requested by the administration and the sea lamprey does not, in my opinion, pose a clear and present danger to our national security. I hope my colleagues will agree that a wartime supplemental is not an appropriate vehicle to fund an earmark of this nature, which has absolutely nothing to do with fighting the war in Iraq or meeting our homeland security needs.

One million dollars for the J obs for America's Graduates (JAG) school-to-work program for at-risk young people for Training and Employment Services under the Employment and Training Administration of the Department of Labor.

The supplemental appropriations bill provides $1.5 billion for the Department of Labor's J obs for America's Graduates school-to-work program for at-risk youth people. This program is a school-to-career program implemented in 1,000 high schools, alternative schools, community colleges, and middle schools across the country and United Kingdom. Its mission is to keep young people in school through graduation and ready for careers or college experiences that will lead to career advancement opportunities or to enroll in a post-secondary institution that leads to a rewarding career.

No one disputes that the goals of this program are worthwhile and that this may be a valuable and effective program. But what is it doing in an appropriations bill whose purpose, by its stated title, is to “support Department of Defense Operations in Iraq, Department of Homeland Security Re- lated Efforts . . .”? Can someone tell me how this program is so related to our war effort and homeland security that we must provide funding for it today in this bill? If it is so urgent, then why was it not included in the President's supplemental appropriations request?

When we consider the Labor/HHS appropriations bill for the next fiscal year, we should debate funding for this program at that time. The Labor/HHS appropriations bill is the proper legislative vehicle for debate about this program—not this war supplemental. We are doing a disservice to our young men and women fighting the war in Iraq by attaching this unrelated program to a bill designed to support their efforts.

Mr. President, there is $225,000 for the Mental Health Association of Tarrant County, Ft. Worth, TX to provide school-based mental health education to schools in Tarrant County. $200,000 for the IDS Research Institute at the University of California, San Francisco for Developing County Medical Program to facilitate clinician exchange between the United States and developing countries; and $1,000,000 for the Geisinger Health System, Harrisburg, PA to establish centers for excellence for the treatment of autism.

The Department of Health and Human Services (HHS) portion of the emergency supplemental spending bill to fund the war in Iraq contains several similar earmarks. Such funding may be for worthy health endeavors. However, these provisions are earmarks and they do not belong within the text of an emergency bill devoted to funding the war. These earmarks are funded from monies allocated by the fiscal year 2003 omnibus appropriations bill which I understand were earmarked in the accompanying report. But now, the appropriators are seeking to earmark them in statute.

There is directive language that would allow West Point cadets to receive flight training during the summer at The University of North Dakota.

Last year's appropriations Senate Report—I emphasize “report,” which does not have the effect of law—earmarked $2 million in Army Operation and Maintenance account for the University of North Dakota ROTC program, known as “Air Battle Captain.” On this supplemental bill, there is directive language which would authorize the first-year program to teach flight training to West Point cadets during summer training at the University of North Dakota. This sounds like a good program, but
In an appropriations bill, you put in a new opening for porkbarrel spending. In any case, there is no doubt this year—the war supplemental to support Department of Defense operations in Iraq—included bill language specifically to provide $6.8 million from Air Force Operation and Maintenance accounts to build and install fiber optic and power upgrades at the 11th Air Force Range in Elmdorf Air Force Base in Alaska. Furthermore, there is $3 million earmarked in the Operation and Maintenance accounts directing the Army to build a rifle range for the South Carolina National Guard. Why not use Military Construction funding, if this was a worth-while project. Why hide it in Operation and Maintenance funding? For the benefit of my colleagues, operations and maintenance money is used to train people. This is what we could use to provide spare parts. This is not the most cost-effective means to provide this type of training, to determine the most cost-effective means to provide this type of training. It is wrong. It is wrong.

In the Senate report—not in bill language—there is an earmark for $12 million from Defense-Wide Research, Development, Testing, and Evaluation for airport improvements in Alaska that may not be consistent with the Department of Defense's mid-course missile defense program. Because it is report language—it is a recommendation only—the Department of Defense does not need to apply the $12 million in this way, so it could simply ignore the Committee recommendation as it does not have the force of law. Similarly, there are two other earmarks that do not explain are new earmarks. In fact, they were included in the Senate Appropriations Report language last year.

We have a new kind of routine that is going on here by the appropriators that is taking place with the above mentioned earmarks under the Department of Health and Human Services. Funding was authorized and not appropriated. This is one pattern that must be halted. I hope we can vote in favor of this amendment. It is not a huge amount of money when we are talking about the size of this overall bill. I believe all of these provisions from which we are trying to eliminate the money would probably be restored in a normal appropriations process—whether I happen to agree with it or not. But how do we tell our constituents, who are paying their taxes every week, who are in difficult times now with unemployment high, with cutbacks, and people being laid off—that we are going to take their tax dollars, in the name of funding the war on Iraq and homeland security, and spend it on these projects? I do not think we should be doing this.

I hope my colleagues will consider voting in favor of the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I could direct a question to the Senator from Arizona, it is my understanding there are others who wish to speak on your amendment. The reason I mention that is because what we would like to do is arrange a vote on your amendment in the order that has been set to begin at 1:50. Prior to that, the ranking member of the Foreign Relations Committee is here to speak on the preceding amendment. The Senator from Arizona knows, we took the Senator from Arizona out of order. How long does the Senator from Idaho wish to speak?

Mr. CRAIG. No more than 5 minutes.

Mr. MCCAIN. From my colleague, I tried to get a handle on it. My colleague from Arizona, Senator Kyl, I know wants to speak on it, but I am not sure there is a lot of other significant debate on the amendment.

Mr. REID? Does the Senator from Idaho object to the Senator from Delaware being recognized and we would return temporarily back to the Ensign amendment?

Mr. MCCAIN. I object.

Mr. REID. The Senator from Delaware.

Mr. MCCAIN. After that, return to the Ensign amendment or return to the McCain amendment.

Mr. REID. He is going to speak on the Ensign amendment. Then we would immediately go back to the McCain amendment.
The PRESIDING OFFICER. Would the Senator repeat the request?

Mr. REID. I am happy to. I ask unanimous consent that the Senator from Idaho, Mr. CRAIG, be allowed to speak for up to 10 minutes on the pending amendment. I am not sure of the exact time, and that following his statement, the Senator from Delaware, Mr. BIDEN, be recognized to speak on the Ensign amendment; and that following the statement of the Senator from Delaware, we will go back to the McCain amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I come to the floor to speak in support of S. 762, but in doing so, I have been seated here for the last few minutes listening to the senior Senator from Arizona. I must tell you, what he speaks about in relation to the supplemental appropriations bill makes a good deal of sense.

I think all of us are looking at debt and deficit at this moment and recognizing the tremendous importance of supporting our men and women in uniform. The President’s request for supplemental spending for the operations in Iraq, knowing full well we will fully fund all they need in that area.

We also recognize this may well be a time of fiscally tight, but not clearly around here as it relates to our ability to associate certain activities in our State with other activities in a national sense, to build a slightly different image or character of them.

I think we need, at this point in time, to be much more careful than we have been in the past, and deal with our debt and our deficit and recognize that money is very tight, and that we are struggling at this moment as a Senate, as a Congress, working with our President to allocate a variety of things that, in the near future, are going to be very critical—not only the operations ongoing in Iraq but the economy itself, and being able to build a stimulus package for this economy that gets it rolling, gets investment back into the marketplace, and builds job opportunities for the men and women in America who are currently out of work. It is certainly true in my home State. It is true across the Nation at this moment.

One of the things we struggled mightily to put a budget resolution out. That budget resolution is now working its will with the House in a conference to try to resolve our differences, to set the spending trend and limits for the coming fiscal year, and, as importantly, to build a stimulus package to get this economy moving.

This is not a time for extra spending. This is not a time for that extraordinary opportunity, if you will, that clearly not, vividly, is certainly in the minds of the Senator and the home State that he or she represents but in the whole of things may not be as important in this moment in time as is funding defense, funding our war effort, making sure we hold our spending down so the deficit does not become unmanageable, getting this economy turned on, and getting the men and women of America back to work. That is really what we all ought to be about at this moment, and certainly this supplemental appropriations bill ought to address just that.

I must tell you, there is a part of this bill I am struggling with: $3.5 billion to benefit the airline industry. I do not question the value of the airline industry. I do question whether it has reorganized, restructured, asked its employees, asked its executives, asked its pilots to reshape their salaries to get them in line with other industries in our country, and, as a result of that, get their act back together instead of asking the American taxpayers to continue to bail them out.

I do not, in any way, underestimate the value of the flow of commerce and travel and the benefits it brings to the airline industry. They are doing there on behalf of our men and women in uniform, the operations in Iraq, knowing full well we will fully fund all they need in that area.

I will vote for this legislation, but I am struggling mightily at this moment in an industry that has not faced the reality of the day, the reality of years and years of building a commitment to it. It may now not be well able to finance and, therefore, to ask the American taxpayer to bail them out in absence of significant reform.

Some airlines are doing that. Some have already announced major cutbacks, major adjustments in salary, and they are struggling to hang on. Others have not done so. I hope they will follow suit. We have put some provisions in the legislation that I trust will allow the airlines to continually bail them out because their ability to acquire such weapons. I do not think the report in question provide a thorough description of the means by which Iraq acquired the designs, technologies, components, and systems with which to develop and construct weapons of mass destruction and their means of delivery.

Finally, the report required by this amendment will include a discussion of the effectiveness of the unilateral and multilateral agreements designed to prevent Iraq’s acquisition of weapons of mass destruction and their means of delivery. This is not intended as an indictment of these agreements. On the contrary, they were an essential component of the structure needed to try to stop Iraq and its ability to acquire such weapons. Rather, it is intended to educate us as to the ways in which rogue governments seek to manipulate and under sanctioning regimes and, in some instances, exploit the protectionist and mercantilist tendencies of some nations to look the other way when logic otherwise dictates caution.
American blood is being shed in the deserts and in the towns and villages of Iraq for the principal purpose of ensuring that a brutal dictator is denied the ability to use chemical, biological or nuclear weapons against his neighbors, again. And I have met, and talked, and asked, and asked, and asked my countrymen, the American homeland. The reasons that we arrived at this point in time are many and are varied. Suffice to say, however, that vitally important lessons will be drawn from this conflict, and we need to lead up to it. Among those lessons will be ways in which Iraq was able to amass the capabilities that it possessed at the time of Operation Desert Storm, and that it was able to retain and accumulate in the decade since. We know, for instance, that it succeeded in exploiting oil-for-food income for illicit purposes. What we need to better understand and to illuminate for the public, however, is the extent to which others facilitated such transactions.

As the remains of Americans killed in combat and in combat-related accidents return home for burial, and as the images of innocent Iraqi victims fills our television screens, a reckoning will increasingly be in order. This war is a terrible necessity. I fully support the President of the United States in his decision to bring a decade-long problem that threatens our national interest to a definitive conclusion. As the elected representatives of the American public, however, it is incumbent upon us to prepare to focus our attention on the history that brought us to where we are today. Only through a thorough examination of the ways in which Saddam Hussein was able to reach the stage where we were compelled to bring the full weight of our national power to bear upon him can we hope to prevent a recurrence elsewhere in the world.

I urge support for this amendment. It is about knowledge. It is about learning from the past. It is about helping to avoid traveling the road to war again in the future because we failed to keep our promises in the present. Vote yes on the Kyl amendment.

The PRESIDING OFFICER. Under a previous order, the Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I rise to speak against the amendment of a good friend of mine, Senator ENSENCE from Nevada. He introduced an amendment that maybe I should have been aware of but was unaware of until just a few minutes ago that reads:

No funds appropriated or otherwise made available in this Act for purposes of reconstruction of Iraq may be obligated or expended to pay any person who is a citizen of a country named in subsection.

It goes on to name in the subsection France and Germany.

I don't want to speak for the Senator, but the world's television screen is a frustration of an awful lot of Americans and some anger at the failure of the Germans and the French to support our effort to disarm Saddam Hussein.

I begin by saying, I have just spoken with the White House and the State Department. They are adamantly opposed to this amendment. France and Germany are providing support for our effort to disarm Saddam that exceeds that of many countries who were formally members of the Coalition. There are overt and basing rights, and many of our wounded are being flown first to Germany before they come here, not to mention their absolutely critical support in the war on terrorism.

Again, I understand the motivation and the frustration and the anger that may be behind some who want to support the amendment. Our decision to use force in Iraq has created deep divisions within the Security Council. Nonetheless, America need not and cannot take sole responsibility for the challenges of postwar Iraq. That is exactly what this would produce. We can't allow the Security Council and our Atlantic alliances to become casualties of this war.

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

Mr. BIDEN. I am happy to.

Mr. MCCAIN. The Senator is aware there are German military and civilians working right now, helping in the reconstruction and peacekeeping in Bosnia, Kosovo, and Afghanistan?

Mr. BIDEN. I am.

Mr. MCCAIN. And have these Germans perhaps been associated with some firm that may also be in the work of reconstruction and peacekeeping in Bosnia and Kosovo and Afghanistan?

Mr. BIDEN. I am. Nonetheless, America need not and cannot take sole responsibility for the challenges of postwar Iraq. That is exactly what this would produce. We can't allow the Security Council and our Atlantic alliances to become casualties of this war.

Mr. BIDEN. Absolutely not. Any more than they should be in Iraq. This amendment is a disaster. I understand the concern about the billions of dollars a year from the $5 billion projected to be more than the $5 billion. Iraq is saddled, as they should be, with U.N. sanctions, an estimated $61 billion in foreign debt, and $200 billion in reparations claims through the U.N. Compensation Committee. So the idea that we can thumb our nose at the rest of the world and say, we don't need you in there helping us, is profoundly mistaken.

Many Senators think that what happens once Saddam is down, once the war is over, is that the oil is going to flow and there will be plenty of money for the Iraqis to move toward democracy, reconstruct their country, all of their oil revenues. The fact is, the estimates are, if all goes well, there will be no more than $3 billion a year. $1.5 billion, now with obligations that exceed $61 billion in foreign debt and $200 billion in claims.

Experts who have testified before the Foreign Relations Committee propose the price tag at post-conflict security—a fancy phrase for saying after the war is over—humanitarian assistance and reconstruction to be between $20 and $25 billion per year for the next 10 years.

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My point is, the United States should not take on that one alone. Yet if we bar the companies of friendly countries who did not support us in the war from taking part in the peace, what incentive will there be for their governments to help pick up the tab? I respectfully suggest it would be zero.

Secondly, as a result of our vote by the State Department and my staff—and it is self-evident when you think about it—this is going to require the so-called "ifies," the World Bank, the International Monetary Fund, and other international banking institutions, to be part of this reconstruction.

We are taking a country that has been decimated by a guy named Saddam for
the past several decades, and we are trying to try to make it a member of the family of nations on the road to democracy. We know how hard that is, even where there has been no war. We know how important it is to have international institutions as part of the process of helping fledging democracies come into being.

Now, what prospect do you think there is that the World Bank will get involved, or the IMF, if in fact the two leading members who make decisions on these matters—Germany and France—are prohibited, in an almost spiteful way, from having any German or French individuals, let alone any companies, participating in anything having to do with the reconstruction of Iraq?

Third, we need military forces of those countries to be in on the peace. That is what the Secretary of State is doing right now. He is meeting with NATO. The Associated Press published an article today called "The U.S. Will Lead Postwar Effort in Iraq." And I quote:

Powell and the Europeans did reach a tentative agreement, however, that NATO should consider deploying peacekeepers to Iraq.

I want someone else in the deal besides the United States. I don't want it merely to be for the next year or 2, 3, 4 or 5 years that there is a young American military man standing at every checkpoint, guarding every border crossing, guarding every oil field, and becoming the target of every malcontent and terrorist in the world.

I want the world to take on this responsibility with us. That is what the Secretary of State is trying to do. A military occupation, even temporary, that includes only Americans and British soldiers could fuel resentment throughout the Middle East, bolster al-Qaida's recruitment, make America the target for terrorists and malcontents everywhere. If the military mission stretches beyond several months or years, as is predicted, the failure to include other countries would compound these problems and, I predict, if history is any teacher, turn us from liberators into occupiers.

We need to make peace in Iraq the world's responsibility, not just our own. If we bar their companies from the peace, we may as well forget about the hard feelings that have been emerging in recent months.

Four, if the United States alone seeks a new Iraqi government—even an interim one—that will call into question the government's legitimacy in the eyes of the Iraqi people, the region, and the world. Iraqis who have lived through the brutality of Saddam Hussein's rule should be given the time, the space, and the help to form their own leaders and to develop the institutions of a stable representative government. We should work with the international community to help achieve that. Who is going to be involved with us if, in fact, we take these punitive measures because they disagreed about the course of action to begin with?

Fifth, many around the world, even longtime allies, question our motives in Iraq. They believe, wrongly, that the President was driven by a quest for oil, driven by commercial interests, or imperial designs. They are dead wrong. But barring foreign companies in the industrialized world—particularly from France and Germany—from taking part in the peace, would only go a step further to confirm the misconception that we are in this for economic gain. We are not. That is not why the President moved. If we allow that to happen, I believe we risk further erosion of those alliances and institutions that have been essential to American security and global cooperation for more than 50 years. It would undermine our interests because we cannot pretend that all the threats around the world, including the unfinished war on terrorism, the dangerous nuclear programs in North Korea and Iran, and the spread of infectious diseases, such as SARS, without the cooperation of other countries in the world, and allies who oppose the war our partners in Iraq's peace can go a long way to repair the hard feelings that have been emerging in recent months.

Six, if we were merely to be for the next year or 2, 3, 4 or 5 years that there is a young American soldier and airmen and Navy pilots who are sent, in the future, our children—young American men and women—to Iraq to give their lives to secure our freedom.

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

Let me conclude—because I see the time—by reiterating what I said at the outset, which is that the Ensign amendment is opposed by the White House. I spoke to Dr. Rice, and I am authorized to say the White House opposes this amendment because it would deny the President of the United States the flexibility he needs. I spoke to the State Department, the Deputy Secretary of State, who pointed out that this would significantly undermine the other projects, the other issues we are trying to negotiate with our allies.

The last point I will make is this: Some will say, why do we have to reconstruct Iraq at all? If we fail to secure the peace in Iraq, then we will fail to honor those young American military soldiers and Air Force and Navy pilots who have been killed in Iraq. The purpose of this endeavor is not only to deny Saddam Hussein those weapons of mass destruction, but to begin the process of stabilizing in that region so we don't have to send, in the future, our children—young American men and women—to Iraq to give their lives to secure our freedom.
Our current national threat level demonstrates that we need to be aware of our environment and prepared for realistic threats. Animal disease is a realistic threat to all Americans because it affects our food safety and supply.

Every country knows what mad cow disease, for instance, has done to agriculture and to the people of England, as one example; and that carried over to Europe a year later and it has recently scared the consumer. That is not an act of bioterrorism; that is just a natural course of animal disease and, in fact, how that in turn impacts upon whether humans live.

The Ames lab is very important as we talk about the safety of our food. This lab is the best large research and diagnostic facility in the United States. Unfortunately, after all these decades, it is obsolete. It does not even meet international standards. Nearly every other livestock trading nation has superior facilities. They understand the importance of effective and expedient diagnostic competency. The Ames lab is a surveillance hub for animal and human disease. It is the closest thing we have for agriculture and livestock health to human health with the Centers for Disease Control in Atlanta, GA. Doesn't it seem unbelievable that the Ames facility does not have an electrical capacity to handle new computers necessary to update the facility, let alone a complex array of essential electronic diagnostic equipment? This is more than an embarrassment for our Government. It is a national security risk.

We have worked through many different scenarios to improve this facility. We have evaluated leaving the current facility in place and renovating the existing 1967 building, which is the least of all the options. We found in the interest of the taxpayers that the most cost-effective method to bring this facility up to speed is to start over from scratch.

Let me be clear. This $98 million is not full funding for the U.S. Department of Agriculture master plan. This amendment only authorizes us the opportunity to build the laboratory. The laboratory is clearly critical for research, diagnosis, and for the prevention of all animal disease threats. We cannot afford to delay construction. We need to be prepared, and this is the only way to reach an optimum level of security.

Remember, we have already appropriated some money for other aspects of this renovation, and this still will not complete the renovation of the animal disease laboratory to what is planned by the Department of Agriculture.

The fact is, the Ames laboratory is the cornerstone of the planned National Animal Health Laboratory Network. The Ames facility is a fundamental element required to protect American agriculture and to improve food safety.

For these reasons, I urge my colleagues not to support this amendment to delete but instead vote for continuing the process that is already in place, that has expended tens of millions of dollars of the taxpayers' money in partial renovation. To move one step closer toward that renovation for the safety of our food supply means to vote against the McCain amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAiN. Mr. President, I will not waste any more time. I have been body hopp[ing] to the statement of the Senator from Iowa except to say I agree with him. It is more than an embarrassment. It is more than an embarrassment that we would be putting $98 million into a project that already received $50 million before an additional $33 million in the 2003 omnibus appropriations bill and for which there was not any additional funding requested by the administration.

There is a reason there was not any request for funding by the administration when they asked for this funding which is supposed to be for the war. As I say, I will not waste time except to say it is more than an embarrassment to me to tell my constituents that will later be supposed to be funding a war that is going on right now when young Americans are fighting and dying and badly need the equipment and materials and the help that is in this bill that we are going to try to stuff in a $98 million porkbarrel project for an agricultural research facility which is already more than adequately funded, rather than put it into an emergency supplemental. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I have a great deal of respect for Senator MCCAiN. He is very consistent. I want to only argue with one point. This is a site that was located decades ago in my State for reasons that I believe are closely related to Iowa State University being a very good land grant and research institution.

Second, the issue of whether this is legitimate at this point is best justified by the fact that this renovation has already been reauthorized, and this is just one more step by the Congress in carrying out a decision that Congress previously made that this facility that is now decades old should be renovated for this good of the safety of food in the United States.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. KYL. Mr. President, I support the MCCAiN amendment.

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

Mr. KYL. Certainly.

Mr. REID. If the senior Senator from Arizona said the junior Senator wanted to speak, we would have no objection. He wants 2 minutes.

Mr. KYL. Mr. President, I was about to say there is no more honest Member of this body than the Senator from Iowa, who spoke a moment ago. When he lays out the case for this particular facility in Ames, IA, I do not think any of us can quibble with that. That is not the point.

The point of this amendment is literally to help this little sector of the Appropriations Committee resist the very persuasive cases that every one of us can make that some great project that needs to be completed or started needs to be part of this very special supplemental appropriations bill. We are hoping to make his job a little easier in the future so he can say: No, these bills are going to be clean.

This is a bill to fund the war. It is not to complete a research facility and do other activities that may be good ideas but have no place in this bill to fund the war. Let them go the regular process. I can make the case there is something that relates to our ability as first responders to deal with an emergency from a terrorist threat in the State of Arizona. We are trying to get some money to prevent our hospital emergency rooms from closing down because we are having to treat illegal immigrants with health care under a Federal mandate, a Federal law, which we are happy to comply with, but which costs our hospitals hundreds of millions of dollars every year. We would like reimbursement for that so those emergency rooms will not close down, as they had to, but can stay open. We will not ask for that in this bill.

Instead, we think the best approach is to go through the regular process. That is why I hope my colleagues will support the amendment.

Mr. STEVENS. Mr. President, I will not waste time except to say I agree with the Senator from Iowa except to say I agree with him. It is more than an embarrassment to me to tell my constituents that will later be supposed to be funding a war that is going on right now when young Americans are fighting and dying and badly need the equipment and material and the help that is in this bill that we are going to try to stuff in a $98 million porkbarrel project for an agricultural research facility which is already more than adequately funded, rather than put it into an emergency supplemental. I yield the floor.

The PRESIDING OFFICER. The Senator for Arizona.

Mr. MCCAiN. Mr. President, I will not waste any more time. I have been body hopping to the statement of the Senator from Iowa except to say I agree with him. It is more than an embarrassment to me to tell my constituents that will later be supposed to be funding a war that is going on right now when young Americans are fighting and dying and badly need the equipment and material and the help that is in this bill that we are going to try to stuff in a $98 million porkbarrel project for an agricultural research facility which is already more than adequately funded, rather than put it into an emergency supplemental. I yield the floor.

The PRESIDING OFFICER. Mr. President, I ask unanimous consent to extend the time for the Senator for Arizona.

Mr. KYL. Mr. President, I support the MCCAiN amendment.

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

Mr. KYL. Certainly.

Mr. REID. If the senior Senator from Arizona said the junior Senator wanted to speak, we would have no objection. He wants 2 minutes.

Mr. KYL. Mr. President, I was about to say there is no more honest Member of this body than the Senator from Iowa, who spoke a moment ago. When he lays out the case for this particular facility in Ames, IA, I do not think any of us can quibble with that. That is not the point.

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Instead, we think the best approach is to go through the regular process. That is why I hope my colleagues will support the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent the MCCAiN amendment be added as the third amendment to be voted on in that queue.

Mr. REID. And that there be no second degree amendments in order.

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

Mrs. BOXER. Mr. President, will the amendment be ordered to be printed in the Record?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Mr. President, is it my understanding that the amendment be ordered to be printed in the Record?

Mr. REID. That is my understanding that the amendment be ordered to be printed in the Record.

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

Mrs. BOXER. Because of a lack of time, I would like to request unanimous consent to continue this hearing in the next session of the Senate.
The years and nays were ordered.

The PRESIDING OFFICER. There are now two minutes equally divided on the Boxer amendment.

The Senator from California.

Mrs. BOXER. Mr. President, we have worked to protect aircraft by making sure pilots are equipped to defend the airplane. We need to go an extra step today. The FBI warned us that terrorists with shoulder-fired missiles are a threat to our commercial aircraft. The administration has determined airports are vulnerable to shoulder-fired missiles and they have deployed the National Guard. But we need to do more. We need to adapt countermeasures now installed in our military aircraft for commercial use. It is possible to do this. El Al is doing this.

Opponents argue, and we will hear this, we should wait until a study provision I wrote into another bill becomes law. We should not wait because things have moved on since that study. This amendment is not even inconsistent with it. It will, in fact, make the money available for that study. This is about fighting a war on terrorism. I hope we will vote in favor of my amendment and not to table this amendment.

Mr. STEVENS. Mr. President, this amendment takes money from the Transportation Security Administration allocation for passenger screening and other costs to be incurred for additional security at airports. There is no current technology that can fulfill this need. The systems are too heavy for most commercial aircraft. We do have underway research and development in the Department of Defense and the Department of Homeland Security to try to develop the kind of devices that provide this protection.

This is not a wartime request. This bill is a wartime request. We do not want the Senate to vote on amendments that would earmark the homeland security moneys in this bill. I have opposed them before and the Senate has voted against this action before. I have previously made a motion to table.

Mr. McCAIN. I ask unanimous consent for 30 seconds.

Mrs. BOXER. Reserving the right to object, then I would like 30 seconds to conclude debate.

Mr. STEVENS. If it is 30 seconds, I don't object, but the 30 seconds have a way of going on and on. Not the Senator's 30, but with all due respect.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. No objection to 30 seconds on each side.

Thirty seconds on each side.

Mr. McCAIN. I will take ten seconds. I oppose the amendment, but I assure the Senator from California we recognize this is a threat; we recognize this is a danger. I hope we defeat this amendment, but I commit to her we will work to try to address this clear and present danger, through studies and work with TSA and other agencies of government. I look forward to working with the Senator.

Mrs. BOXER. Mr. President, I am very grateful. Senator McCAIN is my chairman, Senator HOLLINGS is the ranking member. We will work together on this threat.

I have to say when we are dealing with an emergency supplemental bill where we have a study already accepted by my friend, which I am very happy about, which is moving forward, this is inconsistent with that. This will just move along a little quicker. If you look at the FBI warning, we need to act.

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 assistant bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from North Carolina (Mrs. Dole) would vote 'yes.'

I further announce that if present and voting the Senator from North Carolina (Mrs. Dole) would vote 'yes.'

Mr. REID. I announce that the Senator from North Carolina (Mr. Edwards) and the Senator from Massachusetts (Mr. Kerry) are necessarily absent.

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

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

The result was announced—yeas 50, nays 47, as follows:

[ Rollocall Vote No. 117 Leg. ]

YEAS—50

Alexander        DeWine       McConnell
Allen           Ensign       Miller
Bennett         Enzi         Nickles
Bingaman       Graham (SC)  Roberts
Brownback       Grassley      Santorum
Burns           Hagel         Sessions
Campbell        Hatch         Shelby
Chambliss       Hinoe         Smith
Cochran         Jeffords      Stevens
Collins         Kyl          Sununu
Corzine         Lott          Talbot
Cramp           Lugar         Thomas
Craig           McClain       Voinovich
NAYS—47

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

Dole            Edwards       Kerry

NOT VOTING—3

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 459 WITHDRAWN

Mr. STEVENS. Madam President, the next order of business is the amendment of the Senator from Florida, Mr. GRAHAM.

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I see my friend is here. Maybe he would like to announce, we have reached agreement to modify his amendment. We will put it in the managers' package because it is being withdrawn. We have reached accommodation with the Senator from Florida, after further conversation with the VA administration.

I yield to my friend for a minute if he would like.

Mr. GRAHAM of Florida. Madam President, the Senator from Alaska has very accurately described the negotiation. Therefore, I ask unanimous consent that temporarily withdraw my amendment with the understanding it will be approved in the managers' package, as modified.

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

Mr. STEVENS. Madam President, I thank the Senator. It is the proper thing to do.

I yield now to the Senator from Nevada.

AMENDMENT NO. 488 WITHDRAWN

Mr. ENSIGN. Madam President, regretfully, I ask unanimous consent to withdraw my amendment. I also want to briefly say that this is a battle I plan to continue. I believe it was the right thing to do. But we are going to live to fight another day on this particular amendment. We are going to watch what the administration does with the funds for reconstructing Iraq, perhaps even join this fight at a later date. I ask unanimous consent that amendment No. 488 be withdrawn.

The PRESIDING OFFICER. The Senator has the right to withdraw his amendment at this time.

The amendment is withdrawn.

The Senator from Maryland.

Mr. SARBAKES. Madam President, I would like to address an inquiry to the Senator from Nevada who indicates he intends to live and fight another day on this amendment. If and when he does so, I hope he will also address the question of how much cooperation he anticipates receiving from the intelligence services in both Germany and France in our fight against international terrorism. If he is going to be laying down a marker to these countries with his amendment, I hope when he does so the consideration of its impact on our cooperation with these countries in the effort against terrorism will be in the forefront of his explanation.

AMENDMENT NO. 481

Mr. STEVENS. Madam President, we still have another amendment to vote
The PRESIDING OFFICER. The question is on agreeing to amendment No. 481. The yeas and nays have been ordered. The clerk will call 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. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 63, as follows:

[Rollcall Vote No. 118 Leg.]

**YEAS—38**

Alexander ... Wyden

**NAYS—63**

Akaka ... Wyden

The amendment (No. 481) was rejected.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, on vote No. 118 I am recorded as voting aye on amendment No. 481. I ask unanimous consent that my vote be recorded as nay. This change will not affect the outcome of the vote.

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

The foregoing tally has been changed to reflect the above order.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, on vote No. 118 I am recorded as voting aye on amendment No. 481. I ask unanimous consent that my vote be recorded as nay. This change will not affect the outcome of the vote.

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be dispensed with.

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

The question is on agreeing to amendment No. 481. The yeas and nays have been ordered. The clerk will call 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. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 63, as follows:

[Rollcall Vote No. 118 Leg.]

**YEAS—38**

Alexander ... Wyden

**NAYS—63**

Akaka ... Wyden

The amendment (No. 481) was rejected.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, on vote No. 118 I am recorded as voting aye on amendment No. 481. I ask unanimous consent that my vote be recorded as nay. This change will not affect the outcome of the vote.

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be dispensed with.
Mr. BREAUX. I ask unanimous consent there be 30 minutes, 20 minutes for the Senator from Louisiana and 10 minutes under my recall, and with the vote to occur at a time to be specified after consultation with my friend from Nevada.

Mr. REID. Also with no second-degree amendment in order.

Mr. STEVENS. No second-degree amendments.

Mr. DORGAN. Reserving the right to object, I ask the Senator if that will provide sufficient time? I would like to speak for 10 minutes.

Mr. BREAUX. I have no other request for time. Ten minutes is sufficient for me.

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Mr. DORGAN. Reserving the right to object, I ask the Senator if that will provide sufficient time? I would like to speak for 10 minutes.

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Mr. DORGAN. Mr. President, I rise to support the amendment offered by my colleague, Senator BREAUX. I am a co-sponsor of that amendment. Let me describe why I think this is so important. We have a number of wars that are going on at the moment. We have a conflict, a war in Iraq. We have a war against terrorism. So in this piece of legislation we deal with defense, the costs of that.

Part of defense is the Defense Department, in which men and women in America’s uniform are overseas protecting our country and involved in the conflict in Iraq. But, also, part of the defense is our homeland defense. The issue of homeland defense is very important.

Let me describe what happens inside this country each and every day: 1.1 million passengers come into this country processed by the Customs Service; 57,000 trucks and containers come into this country every single day; 580 vessels arrive at this country’s ports; 2,459 aircraft arrive in this country; 323,000 vehicles, every single day.

None is going to provide an adequate homeland defense in this country unless we have secure borders and are able to prevent terrorists—both known terrorists and those who associate with terrorists—from coming into our country. I think, frankly, we are not doing as good a job as we must in the fight against terrorism in this country.

I speak from the standpoint of a northern border. We have thousands of miles of common border with our good neighbor to the north, the country of Canada.

We know that at least two of those who perpetrated the September 11 attack came into this country across the northern border. We also know that, in the past, almost all of our resources in this country were targeted at the southern border, southwestern border. Border Patrol, Immigration, the Customs Service: Hundreds and hundreds of agents from all of those agencies were at the southern border and a few at the 4,000-mile northern border that we share with Canada.

So what do we do about that? Well, we need the resources at the northern border, and the new technology that is available, to make sure we try to keep terrorists out. Once again, you must have control of your borders or you do not have control inside the country to prevent an act of terrorism perpetrated against our country.

When I began this process, even before September 11, I proposed something called the Northern Border Initiative. That became law. That added some resources at the northern border. It became more imperative after September 11 that we do much more. Prior to that time, when the northern border ports would close, especially in the remote areas, they would simply put an orange cone in the middle of the road, and that would be the protection in place against terrorism. Well, terrorists, of course, would then enter at one of those rural remote ports, would shred that orange cone at 70 miles an hour with their vehicle.
The fact is, we have to do more. And we are now doing more. But we are not doing enough. That is why the Senator from Louisiana offers an amendment that says let’s make the investments we know we need to make.

He recalls a story. I come from a landlocked State. I do not know much about seaports, but I have made two tours of seaports, two of them recently, to understand what is happening at our ports. Mr. President, 5.7 million containers come in every single year. The ports—ships—5.7 million. And 100,000 of them are inspected.

I was at a port one day—and I have told my colleagues this previously—but they had a refrigerated container there that they had taken off a container ship. I said: What’s in that container? They said: Well, we’re just inspecting that. They said: This is frozen broccoli from Poland. And they showed me one of the 100-pound bags of frozen broccoli they pulled out of this container. They ripped open the bag, and, sure enough, there it was, frozen broccoli from Poland. It didn’t look very appetizing to me, but it was going to go into America’s food supply.

So I said: Well, that is interesting to know. But do you know what was in the bag at the end of the container. What is in the middle of the bag in the middle of the container? Do you know? They said: No, we don’t know. I said: Do you know where it came from? They said: We know it came from Poland. I said: Do you know who loaded it? They said: No, we don’t know. I said: Do you know that there’s nothing in the middle of this container that could threaten our country? They said: No, we don’t know.

Mr. President, 5.7 million containers come into this country every year, and we inspect 100,000 of them.

You know the story about the person from the Middle East who put himself in a container, intended to go to Canada in a container. He had a little bathroom set up in the container. He had a water supply. He had a computer. He had a GPS. He had a cot. He had a heater. He was going to ship himself to Canada, presumably then to enter this country from Canada. But he did it in a container. They caught him actually before he left the Middle East.

The fact is, we had better care about homeland security—yes, about the northern border, about the southern border, about aircraft coming into this country, and, yes, about ships that are pulling up to our seaports this afternoon in New York, Los Angeles, and the other major ports around this country.

Which of those ships might have a weapon of mass destruction in the middle of a container, piled in the middle of that ship, that will be hoisted off, by a crane, put on the 18-inch, and then sped across America’s highways to Cincinnati or Toledo or Fargo or Los Angeles? That is what homeland and defense has to be about: preventing these kinds of things from happening, preventing terrorists from perpetrating an attack in this country.

We have actually done pretty well since 9/11. The fact is, there is much more to do. It will not do any good to say: Fear, yes, this is needed, but let’s do it later.

This is the legislation. This is a supplemental appropriations bill. This is emergency funding. And this is about defense, yes, the Defense Department, but also, in my judgment, the defense of our homeland.

I have not gone through all of the portions of this bill that the Senator from Louisiana suggests we adequately fund, but it is the Immigration Service, the Customs Service, the Border Patrol, and a list of agencies that we know have to have adequate funding to do the job this country expects in order to protect itself against a terrorist attack.

So this is not some ad hoc spending for which the Senator has no justification. This is spending and funding every bit as important as every dollar that is going to the U.S. Department of Defense. That is homeland defense. That is the Department of Defense. Both are of paramount importance in protecting this country’s interests. I hope my colleagues will join me in supporting the amendment now offered by the Senator from Louisiana.

There is, perhaps, an unlimited number of things we could do to protect this country, but we do not have unlimited funds. The Senator has selected specific areas of investment that all of us know are underfunded. And he said: Yes, let’s do this, but, more important, let’s do this now.

I just submit, in the shadow of 9/11, this country knows that terrorists want to attack this country. Homeland defense is of paramount importance. The investment—a rather small investment—made by the amendment offered by the Senator from Louisiana will make this a stronger country, better able to resist terrorists who wish to attack her.

Mr. President, I yield the floor.

Mr. BREAUX. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I wish to speak in support of the amendment offered by Mr. Breaux.

For many months now, the American people have been told that we are at war. We are at war in Iraq. We are at war here at home. We are at war against the al-Qaeda terrorist network and other organizations like it. We are at war against terrorists who would use any means possible to destroy our Government, strike fear in our people, and cripple this great Nation.

But, America is still woefully unprepared to prevent or respond to another terrorist attack. Despite the constant warnings from the Department of Homeland Security about terrorist threats here at home, and despite the obvious vulnerabilities, there are some in Congress who seem to want to put off sound investment for increased protections for our people. “Hold off! Hold off! Wait for another day!” they say. Mr. President, we may wait, but the terrorists, I fear, will not.

The amendment before the Senate, which is offered by Mr. Breaux, would invest dollars now—today—in some of the most critical areas of vulnerability here at home.

The amendment offered by the Senator from Louisiana would provide $2.6 billion for border and transportation security, including $200 million for the Coast Guard, $35 million for the Bureau of Customs and Border Protection, $200 million for radiation detection equipment, $235 million for airport explosion detection systems, $300 million for mass transit security, $300 million for interoperable communications for first responders, $225 million for terrorism prevention at the Federal Bureau of Investigation, and, of course, Department of Homeland Security expenses incurred as a result of Code Orange and to make up for fiscal year 2003 funding shortfalls at the Transportation Security Administration.

In addition, a December 2002, GAO report identified more than $700 million in security needs at only eight transit agencies that were visited. The GAO concluded that, “Obtaining sufficient funding is the most significant challenge in making transit systems as safe and secure as possible.” Yet to date, no money—one—has been provided for transit security.

If there is one lesson that we should learn from 9/11, it is that terrorist attacks on our Nation can no longer be viewed as distant threats across the oceans. The enemy may attack our troops, the enemy may attack our citizens overseas or civilians here at home. Clearly, we must provide all of the necessary resources to support our troops overseas and to meet real needs that have been authorized by the Congress and signed into law by the President for port security, airport security, border security, and nuclear security.

We should not accept the alarming deficiencies in our seaport security—an area that many experts have identified as perhaps the Nation’s single greatest vulnerability. We should not accept the fact that our land borders are porous and that our airports simply cannot afford modern security equipment. We should not be satisfied that our cities and States—the front lines of this war...
Mr. DORGAN. Mr. President, I am pleased to join Senator Wyko, Senator Breaux, and others in supporting this Federal homeland responsibilities amendment. In particular, I want to speak for a moment about the National Park Service component of the amendment. As the ranking member on the Interior and Related Agencies Subcommittee, I am deeply concerned that the administration's supplemental funding request will leave the National Park Service in the lurch, without the resources it needs to protect our most important symbols.

The Statue of Liberty, the Washington Monument, the Lincoln Memorial, the Jefferson Memorial, the St. Louis Arch, the Liberty Bell, and Independence Hall in Philadelphia; these are just a few of our national icons under the protection of the Park Service. These treasures are, in their own unique way, potent reminders of the liberty and freedom that are the foundation of the American experience. They symbolize the struggles this Nation has fought, the values we have maintained for our future, and the essence of the democracy we all cherish.

The Twin Towers of the World Trade Center were a powerful symbol of the American economy, and that is why they were attacked. The Pentagon is a powerful symbol of our military might, and that is why it was attacked. I worry about which symbol is the most vulnerable. Which of these facilities, emblematic of our liberty, will the terrorists target next? Which of these symbols, which are sacrosanct to our nation? Which of these symbols are being abandoned by our government?

Mr. REED. Mr. President, I rise in opposition to the Breaux amendment for a variety of reasons, but I will limit my remarks to the provision dealing with increased funding for mass transit security.

I commend the Senator from Louisiana for bringing attention to this important issue. While I believe that transit security is an issue deserving of increased attention, I am concerned that the approach taken in the amendment is not one that I can support at this time.

Existing Federal transit law already requires that a percentage of formula funds be used for security and safety programs. Further, FTA has developed and distributed a checklist of the most important measures that transit agencies should implement to ensure that their systems are as secure as possible. FTA has made it a priority to work with agencies to assist in implementation of those measures. Transit is perhaps one of the most difficult modes of transportation to secure. By its very nature, transit must operate in an open environment and thus it is especially vulnerable to terrorism.

As chairman of the Committee on Banking, Housing, and Urban Affairs, I am cognizant of the unique need for further analysis of transit security issues. As the committee reauthorizes the Federal Transit Administration program this Congress, we intend to make the issue of transit security a high priority.

I urge my colleagues to vote "no" on the Breaux amendment.

Mr. REED. Mr. President, I rise in support of the Breaux Federal homeland security responsibilities amendment. This amendment addresses a number of important homeland security needs that the administration has failed to adequately fund, and it deserves the support of our Nation.

I particularly want to thank the author of this amendment for including specific resources to help protect our Nation's transit systems and the 14 million Americans who depend on them to get to work or elsewhere safely and securely every workday.

In the 107th Congress, as the chairman of the Housing and Transportation Subcommittee, I chaired two hearings on the topic of transit security in the wake of September 11. At these hearings, we heard from transit operators and others that public transportation is regrettably a target for terrorists. Indeed, roughly one-third of terrorist attacks worldwide have occurred on transit systems. One only needs to watch international news to see pictures of the devastation of suicide bombers on buses.

Senator SARBANES and I also requested a General Accounting Office report on transit security entitled "Mass Transit: Federal Action Could Help Transit Agencies Address Security Challenges." The GAO found that the Federal Transit Administration and the Transportation Safety Administration were providing technical assistance and some training to transit systems, but that there are still many unmet needs. For example, when the GAO asked just eight transit systems how much they needed to address their security needs, the answer was over $700 million. Transit systems also expressed concern that there is often insufficient planning, communication and coordination with local, State and Federal law enforcement entities.

The administration, which has embraced the Senate's efforts to improve aviation security, has unfortunately not shown the same level of commitment to our transit systems. It failed to request specific funding for transit security in either its fiscal year 2004 budget or its fiscal year 2005 supplemental request.

The Breaux amendment would address this shortcoming by providing a down-payment for transit security improvements. We owe it to the millions of working men and women who ride our subways, buses, and commuter rail lines that their government is aggressively working to improve transit security.
One thing the Senate needs to know, the Breaux amendment deletes the entire provision of the counterterrorism fund. I will read it. This is what it says; it is very clear: "Notwithstanding any other provision of this Act, funding for the Department of Homeland Security, Counterterrorism Management, Counterterrorism Fund, shall be zero," knocking out $1.132 billion. Then $500 million is zeroed out of the Department of Justice, General Administration, and Counterterrorism Fund.

Think about what you are being asked to do. This amendment is suggesting that you disregard the efforts by the committee in the writing of a meticulously drafted committee report that specifies our understanding of where these funds are going to be spent, and you trade that for this amendment that is offered, as we are in the closing hours of consideration of this supplemental bill and assume that these recommendations are not going to be superior to the ones the committee has proposed to the Senate.

I am suggesting this is not a good way to legislate. The Senate ought to reject this amendment. These are efforts and advice that are too important for the Senate to be asked to substitute the judgment of a new list of activities with new numbers beside them that are not related to estimates from the agency, are not related to any testimony we have received in any of our hearings, but yet amount to a rewrite of this entire section of the supplemental appropriations bill.

There is some money in here for States and localities. We hope the Senate understands that we have written in here some requirements that get the money out faster to States and localities. It requires that 80 percent of the funding go directly to localities in some form of grant programs administered by the Department of Homeland Security.

We have made a concerted effort to ensure that the taxpayers will get their money's worth out of the funds appropriated in this bill. For example, although this amendment adds money for the Coast Guard, we set up a separate section for funding of Coast Guard activities. We put in $580 million directly to the Coast Guard. I have to question whether that money is best used by the Coast Guard administration, but we wanted to be sure their activities, particularly with regard to Operation Iraqi Freedom, were fully funded.

The Coast Guard has been mobilized, in effect, as a part of our war against terrorism in the Persian Gulf area, so-called Operation Iraqi Freedom. But they also have responsibilities here for homeland activities. The bill reported by the Committee on Appropriations gives the Secretary discretion to use fiscal year 2003 funds from the counterterrorism account to allocate funding to the Coast Guard for additional operation expenses. That includes Operation Liberty Shield. The bill fully funds the administration's request in support of the Coast Guard and general terrorism prevention, preparedness, and response capability.

There is absolutely no basis for the $200 million estimate in the amendment offered by the Senator from Louisiana. It is just added on. If there is evidence, if there is a request, if there is documentation, then we need to see it. We ought not to be asked to support add-ons to this bill to make it sound as if we are underfunding the legitimate needs of these agencies in the protection of the security of our country.

I suggest the Senate should look very carefully at this amendment.

I will cite one other area. This amendment puts in $131 million for increased border and maritime protection operations. What this amendment does is double the amount that the administration says they need, just doubles it: If what we suggest is good, then twice as much ought to be twice as good.

That is not good reasoning and the Senate ought to reject the amendment. The PRESIDING OFFICER. Who yields time?

Mr. BREAUX. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Louisiana has 6 minutes, and the Senator from Mississippi has 25 seconds.

Mr. BREAUX. Mr. President, I yield myself 5 minutes. I ask unanimous consent that Senators SCHUMER, CLINTON, STABENOW, and KENNEDY be added as cosponsors.

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

Mr. BREAUX. Mr. President, the idea that Congress ought to be involved in how the money is spent is not a novel idea. If we are going to spend $1.135 billion, Congress ought to be involved in saying how it is going to be spent.

The CBO report that the Senator from Mississippi says that we are going to give $1.135 billion to the Office of the Secretary of Homeland Security, and whatever he wants to do with it, he pretty much has carte blanche to do whatever he thinks fit. I would hope he would make the right decisions, but I would like to have Congress involved in saying these are the priorities within that $1.135 billion as to what we think should be spent and how it should be spent. We do not just appropriate money. We fund it, and do not indicate how the money should be spent, especially when you are talking about billions of dollars.

Here is an example. The Senator from Mississippi says we have a report that makes suggestions. Folks, this is a suggestion. This could be filed in a desk drawer at the Department, thrown in the waste paper basket, and ignored, because it doesn't have the effect of law. It is nice that people worked on it and that it was printed, but how many people will read it? Not very many, and not many will read it over at the Department of Homeland Security either.
If you want to say how money is going to be spent, it has to be part of the law. We are not saying spend whatever you want. We are giving him a specific amount. We should also say how that specific amount is going to be spent. That is what my amendment does.

Let me give an example of what the problem is. For the Coast Guard—and we know how much work they are going to have to be doing in the United States, in the ports of New York, Florida, New Orleans, Houston, and the west coast because of the problems we have—the supplemental appropriations bill puts in $580 million more for the Coast Guard. What they say is that $400 million of it is going overseas. We need it overseas. That is appropriate and proper. But we also have some homeland needs for counterterrorism.

Under the supplemental bill pending before the Senate, we would have $180 million for the domestic Coast Guard needs. The remainder of $400 million would be going overseas. We are neglecting homeland security. We are talking about homeland security, which means here at home.

So we are suggesting that we add an additional amount, which would be utilized in this country for the needs at all of the ports. They have to do a lot more, we are telling them, and the Coast Guard has to devise a security plan for every single port in the United States. They are not going to be able to do that for free, with all the work that needs to go into those ports.

If we are going to spend $1.135 billion, the Congress should be involved in saying where it is going to be spent. We should not simply say: Here is the money; we hope it does some good; whatever you want to use it for, do it, as long as it fits the generic title of counterterrorism. Well, counterterrorism is more than a word; it is the Coast Guard, the Bureau of Customs, the Immigration Service, and it is money for airport modifications to detect the luggage going into the holds of the ship; it is mass transit security, railroad security, Federal law enforcement training, and it is better communications for the men and women who work in counterterrorism.

That is what counterterrorism is. It is not just a term; it is a bunch of Agencies and Departments that have a lot of work to do. It is not going to be able to have the intelligence to be able to say where it is going to be spent, instead of just putting a term out there and saying we are going to give $1.135 billion for counterterrorism.

What is counterterrorism? I suggest that counterterrorism is outlined in the descriptions we have in the amendment now pending before the Senate, which we ask our colleagues to consider supporting. It is nice that we have suggestions in a report, but we all know if you have been here more than a week—a report is not binding, not law; it is merely a suggestion. We are here to write laws, to direct the Departments as to how their funds should be used. I am sure they are going to read the report, but they can also ignore the report. I think it is better to spell out what we are talking about when we talk about counterterrorism. It is not just a word; it encompasses a lot of different things.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, contrary to the suggestion of my friend from Missouri, the committee is requiring the administration to respond and spend the money as provided in this bill. I am reading:

Prior to the obligation of any funds, the Secretary of Homeland Security is required to submit a notice to the Committee on Appropriations. The committee expects this notice to be accompanied by a full and complete justification of the costs to be reimbursed by agency accounts, including a detailed breakdown by program, project and activity.

We are going to maintain oversight. Who is not going to get money if this amendment is adopted? The U.S. Secret Service, intelligence and response, and other important activities are going to be zeroed out of this bill.

Mr. BREAX. Mr. President, $2.65 billion is not zeroing out counterintelligence and counterterrorism. It is a large add-on, $2.65 billion. The only difference is we are suggesting in law where it ought to be spent, instead of saying you can do what you want and then come back to the committee and tell us why you did it that way. We should tell them where it should be spent before the fact, not after the fact. Our amendment adds money to counterterrorism. I think that is what we should be doing as a Senate.

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

The PRESIDING OFFICER. Is the amendment in order? The amendment is in order. Mr. COCHRAN. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. The amendment is in order. Theyeas and nays were ordered.

Mr. REID. I thank the Senator. The PRESIDING OFFICER. The Senator from Missouri is recognized.

The PRESIDING OFFICER. The amendment is in order. Mr. TALENT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The pending amendment is temporarily set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senate from Missouri [Mr. TALENT, for himself, Mr. BOND, Mrs. CLINTON, and Mr. SCHUMER, proposes an amendment numbered 499.]

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

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

The amendment is as follows:

(Purpose: To require certain air carriers that receive funds appropriated under this Act to accept procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers.)

At the end of title IV, insert the following:

Sec. 499. "(a) This section may be cited as the "Airline Workers Fairness Act". (b) The purpose of this section is to require certain air carriers that receive funds appropriated under this Act to accept procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers, which would potentially aggravate the current disruptions in air travel associated with increased terror alerts and other factors in the United States. (c) In order to receive funds appropriated under this Act, a covered air carrier shall agree to the subject matter. (d) In any covered transaction involving a covered air carrier that leads to the combination of crafts or classes that are subject to the Railway Labor Act— (1) sections 3 and 13 of the labor protective provisions imposed by the Civil Aeronautics Board in the Allegheny-Mohawk merger (as published at 59 CAB 45) shall apply to the covered employees of the covered air carrier; and (2) subject to paragraph (1), in a case in which a collective bargaining agreement provides for the application of sections 3 and 13 of the labor protective provisions in the process of seniority integration for the covered employees, the collective bargaining agreement shall apply to the covered employees and shall not be abrogated.

AMENDMENT NO. 499
e) Any aggrieved person (including any labor organization that represents the person) may bring an action to enforce this section, or the terms of any award or agreement resulting therefrom or a part thereof, or to enforce the requirements of this section, against the parties to the collective bargaining agreement involved.

(1) Nothing in this section shall be construed to authorize any provision of law that provides greater employee rights than the rights established under this section.

(g) In this section:

(1) The term "air carrier" means an air carrier that holds a certificate issued under section 401 of title 49, United States Code.

(2) The term "covered air carrier" means an air carrier that holds a certificate issued under chapter 401 of title 49, United States Code.

(3) The term "covered employee" means an employee who:

(A) is not a temporary employee;

(B) is a member of a craft or class that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.) and, at the time of the proceeding, is a member of a labor organization; and

(C) was an employee of a covered air carrier on September 11, 2001.

(4) The term "covered transaction" means a transaction that:

(A) is a transaction for the combination of multiple air carriers into a single air carrier;

(B) involves the transfer of ownership or control of—

(i) 50 percent or more of the equity securities (as defined in section 101 of title 49, United States Code) of an air carrier; or

(ii) 50 percent or more (by value) of the assets of the air carrier;

(C) was pending, or had been completed, during the period beginning on January 1, 2001, and ending on September 11, 2001; or

(D) did not result in the recognition of a single air carrier by the National Mediation Board by September 11, 2001.

Mr. TALENT. Mr. President, I arise, along with my colleagues, Senators BOND, CLINTON, and SCHUMER, to offer the Airline Workers Fairness Act, with the hope of ensuring the fair and equitable resolution of labor integration issues surrounding American Airlines and TWA. I want to give to the Senate a brief history of these issues.

American Airlines acquired TWA in April of 2001. We all thought that was a good thing. We still hope it is a good thing. We supported it. At the time, American Airlines promised TWA employees that they would be treated fairly as a result of the buyout, and in fact that promise was one of the conditions of Federal approval of the buyout. Certainly, our expectation was that it would be a positive experience for all employees involved. But when the employee groups merged, their seniority lists would be dovetailed in the normal fashion. In other words, the years of service for TWA employees would count in the merged company, and years of service for former American Airlines employees would count as well. For whatever reason, that didn’t happen. In fact, nothing even close to it happened.

The former TWA flight attendants were stapled to the bottom of the merger list. Fortunately, a large number of TWA pilots were stapled to the bottom of the seniority list. In all my years in public office and in the years when I practiced labor law, I have never seen a merger that was as disadvantageous to one of the former employee groups as this one.

The effect of it is that employees who have been working for TWA for decades are placed behind on the seniority list of American Airlines only a year or two. All you have to do is fly American Airlines and be recognizable as a Member of Congress to see what the implications of this have been for real people.

I do not think I go to a flight where a flight attendant does not come up to me and tell a story, such as she is a 28-year flight attendant for TWA who is now going to be laid off while people who have been working for American Airlines for only a year or two will be still flying.

A specific example: Sally Young, a former TWA captain who now works for American Airlines whom I have met and talked with, is a 15-year veteran of TWA. She was denoted, because of seniority, as a first officer, and, after the recent layoffs were announced, is scheduled to be laid off even though pilots who have been working only a short time for American Airlines will continue to fly. The result of this for the flight attendants is that there were 4,000 flight attendants who worked for TWA. By midsomer, all of them will be gone. These are people who have given their life to this company, people who have the seniority, the experience to fly in the United States and around the world which is very difficult for them to retrain and find other employment. People who were promised better, who clearly understood that in some way, shape, or form they would be protected in this buyout are going to be gone, and most of the pilots will be gone as well.

I am not here to blame anybody for this. It is an extraordinarily, uniquely disadvantageous situation. I do not hold anyone responsible. But I know it is not right, and this amendment is designed to fix it in a fair and equitable fashion. It applies only to this merger.

It says that the parties will bargain for several weeks after this amendment becomes effective, and if they cannot reach an agreement, they will go to a neutral expert binding arbitration, and the arbitrator can then decide what result will be fair in light of the situation they are in now. These people who have worked for so long and given back so much over the years to keep this company afloat will have the consideration that we all thought they would have had.

Those of us who are offering this amendment—and supporting this amendment would rather not do it on this vehicle. We would not have done it on this vehicle, but the underlying bill provides several billion dollars of extraordinary relief for the airline industry. We support that.

In addition, American Airlines announced several thousand more layoffs earlier this year. If we do not do something soon, it will be too late to do anything. Certainly it will be too late to do anything as conveniently as it will be if we adopt this amendment.

Again, our amendment does not impose any Government solution on the parties. It costs no money. It affects no other airline than American Airlines.

We are offering it now to provide some relief to a group of people who expected and deserve better and who, unless we do something, are going to be out on the street. That is the reason we are offering this amendment at this time.

Mr. PRESIDENT. The Senator from Missouri.

Mr. BOND. Mr. President, I rise in strong support of the amendment by my colleague from Missouri. We are dealing with another very significant bailout, using taxpayers’ money, for the airlines which have been hurt.

I agree with the need to keep the airlines flying. Airlines are absolutely essential to our economy. But I believe when we are sending taxpayers’ dollars to bails, that they should at least get some responsibility to ensure the employees are being fairly treated. This, to me, is simply an issue of equity and fairness.

Back when American Airlines acquired TWA, they did not just take the facilities. They took the employees, they took the hubs, and they took the heart of TWA as well—it’s employees, employees who have come to know and respect and trust whose service we have appreciated over the years.

On April 9, 2001, American Airlines and TWA have operated under a single umbrella. On that date, Donald J. Carty, chairman and CEO of American Airlines, stated:

Today, we warmly welcome TWA’s employees to the American family. While employees and customers will see business-as-usual for some time, we’re looking forward to working together and building a future as one team. Employees at American Airlines are united in our commitment to meeting our customers’ needs and providing opportunities for growth in a rewarding work environment. Our theme for today’s celebrations is “Two Great Airlines—One Great Future,” and I’m sure that, working together, we can fulfill that promise.

I was out there and I joined in that recognition in celebrating two great airlines with one great future, and on January 1, 2002, all TWA employees officially became American employees. At that moment, all former TWA employees were now an integral part of the team at American Airlines.

Promises were made to the hard-working TWA employees in my home State, and these employees were publicly referred to as the crown jewel of TWA. It was not as if they were “lucky to have a job at all,” as some have suggested. They are employees with extensive years of background and years of seniority over a great number of their colleagues at American Airlines and, through their service to the traveling public, to our communities, had developed a reputation for service that made this an extremely valuable hub.

Had they known that the promises were not going to be kept, there were
other options—reorganizing in bankruptcy, seeking alliance with another airline that would treat them fairly. They were made promises of fair treatment. They gave up what they call their Allegheny Mohawk protection rights in the expressed promise that they would be treated fairly.

After American Airlines stapled the TWA seniority list to the bottom, at least the top official of American Airlines came to my office and said: We are going to protect the hub at St. Louis and we are going to put a wall around that and keep former TWA employees serving the traveling public out of that hub, and we are not going to have to lay them off because they will continue the TWA service.

The wall came down. They were not protected. The crown jewel of TWA, the people in St. Louis, are losing their glitter. These promises made to them were the root of the entire agreement reached between TWA and American Airlines. This whole agreement was going down, and now these promises appear to have been broken.

If the TWA employees knew at the beginning they were merely being taken as a sacrificial lamb, then the deal they never have happened. Now the TWA employees, the TWA pilots, and the TWA flight attendants are the blood donors when cuts have to be made.

According to today’s issue of the St. Louis Post Dispatch

All American Airlines flight attendants based at Lambert Field will lose their jobs if members of the Association of Professional Flight Attendants approve a contract by April 35 to help the airline avoid bankruptcy.

That is what we are providing money to support?

The situation for former TWA pilots is grim as well. Fifty-four percent of the former TWA pilots will lose their job before a single former American Airlines pilot will lose his or her job. There would be no appeal. That is what we are providing money to support.

The senior most TWA pilot hired in 1963 was integrated along with a 1985 TWA employee into the seniority list. That was the agreement. If American had not stepped up to the plate, all of the TWA pilots, flight attendants, mechanics, and ticket agents would have lost their jobs immediately and the pension funds would have been wiped out. Instead, American not only persevered their jobs but fully funded the TWA pension funds.

Everyone hoped the aviation industry would recover and that everyone would stay employed. It is still the hope of every American employee that the TWA former employees who have been laid off will be hired back. American is committed to hire back former TWA employees before anyone else.

However, the TWA employees took this matter to the National Mediation Board. The National Mediation Board has rendered a decision reinforcing the original agreement. TWA’s pilots and flight attendants have appealed. That is their right.

The case is still in litigation. It is completely inappropriate to bog down a wartime appropriations bill with language that would attempt to pit winners and losers in a battle between unions or between any union and management.

This amendment is coming at a time when American’s unions are set to vote on the most significant cost restructuring proposal in U.S. history, with $1.8 billion in union concessions. Interference with these negotiations at this time could impact that vote and the world’s largest airline into bankruptcy. Of course, if that happens, everyone at American, not just the former TWA employees, could lose their jobs.

I do sympathize, and I hope very much the little bailout that we are giving the aviation industry, will result in American staying strong and being able to hire back everyone who has had to be laid off. That is the purpose of the bill today.

Regrettably, I must raise a point of order and offer an objection to amendment No. 499 on the grounds that it is legislation on an appropriations bill and thus violates rule 16, paragraph 4 of the Senate rules.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President as cosponsor of this amendment, I ask the amendment be withdrawn.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.
Mr. REID. Mr. President, it is my understanding that a number of Senators want to speak for a brief time on the amendment the Senator from Missouri sent to the desk that is now pending. I ask they be allowed to speak on this amendment but that no action be taken until we have had a chance to review it on our side.

The PRESIDING OFFICER. Is this a unanimous consent request?

Mr. REID. Yes.

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

The Senator from Missouri.

Mr. TALENT. Mr. President, I will speak briefly. First, I commend my friend and colleague from Missouri for his work on this issue for several years and his consistent advocacy for fairness to all the employees of American Airlines. I also express my deep gratitude to our friend and colleague from Texas for how she has worked with us on this and indeed this whole issue within, of course, the limits of her convictions.

Briefly, this situation is not easy for anyone and I recognize that. I emphasize that there are thousands of people who have already lost their jobs. The situation, people with 10, 15, 20 years seniority with a company. When you get that kind of seniority with a company, you order your life so far as it is job related, on the assumption that unless the company goes down—in this case, stops functioning, they are not going to be laid off. You do that in terms of your financial affairs; you get mortgages; you make arrangements with your kids and their college education. Thousands of people worked for TWA for years and years and did that.

Then something happened. I don't know what happened; I was not there. The people who were supposed to represent their interests in this process—management, the union, the government—for some reason did not. Their interests were not represented. As a result, they are now facing layoffs contrary to all their expectations.

I support the Senator's sense-of-the-Senate amendment. I hope it means as we continue to represent those interests we will have some chance along the process to get fairness for these people who expect better and deserve better and who have worked so hard in giving so much to this company for so long.

Mrs. HUTCHISON. Mr. President, I certainly support the sense of the Senate. We all want fair treatment. If the aviation industry had stayed viable and we had a good economy, I believe every employee would have maintained their employment status and there would have been more hires. However, we all know the economy is in a very precarious situation. The aviation industry has been hit hard since September 11, particularly American. And they do not want these layoffs. That is the only alternative they have.

I know the first people hired back when business picks up are going to be these employees who have been laid off. I certainly support the sense of the Senate. We all want fair treatment for all of the employees of American Airlines.

Mr. REID. Mr. President, Senator Feinstein has been waiting here all day. She has a speech she wants to give and an amendment to offer. This will not be part of the voting in 45 minutes because she and Senator STEVENS have been in discussions about how to resolve this.

If I could have Senator COCHRAN's attention, Senator BYRD is here. You and Senator BREAUX used up all the time on the amendment, the Breaux amendment pending, which we will vote on at quarter to 5. Senator BYRD will ask for up to 15 minutes to speak in favor of the Breaux amendment. We have no objection to that.

Mr. COCHRAN. I have no objection to that request, Mr. President.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from California be recognized for up to 15 minutes.

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

Mr. REID. Following that speech, I ask unanimous consent that Senator BYRD be recognized to speak in favor of the Breaux amendment for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California is recognized for up to 15 minutes.

Mrs. FEINSTEIN. Mr. President, I was going to call up an amendment about interoperable communications, but the text of our amendment is being worked out by the chairman of the committee and the ranking member. I believe it is going to be successfully worked out, so I would like to say a few words about what I would like to see happen.

This emergency supplemental provides $2 billion through the Office of Domestic Preparedness for States and local governments and first responders for homeland security.

It also states in the Conference Report that $30 million of the $2 billion should go to provide "technical assistance to States for a variety of activities" and mentions "assistance with interoperable communications and equipment as one such activity."

But nowhere is there a specific earmark for interoperable communications, and none of the $30 million mentioned for "technical assistance" will go directly to the people who need it most—policemen, firefighters, and emergency assistance personnel.

And even if some fraction of the $30 million does trickle down to public safety first responders, this is simply not enough to make a dent in the problem.

There are, today, about 2.5 million public safety first responders operating in the U.S., located at 18,000 law enforcement agencies, 26,000 fire departments, 6,000 rescue departments, and many other agencies as well.

They have historically depended on their own radio systems, even though sometimes these systems are often incompatible with other agencies with whom they work.

As a result, law enforcement, firefighters, and emergency medical service (EMS) teams can't talk to each other.

For example, while police received a radio message that the World Trade Center was going to collapse on September 11, firefighters never received the message because they use different radios.

A report from the University of New Hampshire-based ATLAS Project states:

From numerous interviews gathered as part of a fire department inquiry into the events of September 11th, it would appear that non-interoperability was at least partially responsible for the loss of 343 firefighters at the World Trade Center.

According to an article in The New York Times on January 30, 2002, the New York Fire Department's most senior commanders report that:

they had little reliable radio communications that morning, could not keep track of all firefighters, the Towers were not in radio range and were unable to reach them as the threat of collapse became unmistakable. . . . Poor communications that on one side of the Trade Center complex. A city engineer warned officials that the towers were at risk of "imminent collapse." Those he told could not reach the highest-ranking fire chiefs on radio. A messenger crossed radio-dodging flaming debris and falling bodies, to deliver it in person. He arrived with the news less than a minute before the first tower fell.

Let me give some other examples.

Interoperability was also a problem at both the Littleton, Colorado shooting spree at Columbine High School. During that horrific attack, over 2,000 students and teachers were effectively held hostage and 15 were killed and 23 wounded.

Forty-six separate agencies responded during the incident. Many of these responders were operating on different emergency radio channels, and in different parts of the radio spectrum. Some operated on VHF frequencies, some on an Ericsson 800 megahertz system, some on an analog 800 megahertz trunked system. According to an internal report by the Jefferson County Sheriff's Office:

With such varying systems being used, not only were agencies prevented from communicating directly with each other, but groups with similar functions also could not communicate via radio. Ideally, groups with the same responsibility, such as the various SWAT teams or those officers setting up inner or outer perimeters would have their own channel to use in order to report and obtain vital information about their particular area.

In the aftermath of the Oklahoma City bombing, the Federal, State, and City first responders agencies also couldn't talk to each other.

Things were so bad that agencies reported to using "runners" to carry...
messages from one command center to another. To ensure that all agencies were on the same page, these runners often had to run between different agencies repeating the same message.

This is the same method of communication used hundreds of years ago by the ancient Greeks and Romans. We all know—Senator BYRD especially—the story from 490 B.C. of the man who ran 26 miles from the plains of Marathon to the city of Athens to report the victory. In some ways, we are no better off today, 2,500 years later.

It is outrageous that our emergency communications systems can be reduced to levels that existed 2½ millennia ago. And even if runners are not needed to transit messages physically from agency to agency, lack of interoperability can still spell disaster. Lack of interoperability always means that precious minutes are lost and lives are put at risk.

The bottom line is that Congress has not provided enough money for interoperable communications—and that means we are needlessly jeopardizing the safety of our public safety first responders and the citizens of our country.

The fiscal year 2003 appropriations bill only provides $45 million in dedicated money for interoperable communications—only $12 million of which is likely to go directly to first responders. Twenty million dollars was given to the COPS program for interoperable communications, but $8 million of this amount was earmarked for other purposes—$5 million to the National Institute of Standards to develop minimum standards and $3 million for research and development through the National Institute of Justice’s Advanced Generation Technology Program account to provide $7 million for research and development in the Public Safety, Justice and State, the Judiciary and Related Agencies Appropriations Act. The fiscal year 2002 appropriations bill provided $42,500,000 in infrastructure and subscriber line equipment grants and $750 million for interoperable communications in fiscal year 2002.

And I mentioned earlier, that is only about $50 million set aside for the E-Program for interoperable communications. In my view, providing only $12 million in dedicated money directly for first responders for fiscal year 2003 is simply not enough.

We have talked with the National Institute of Justice and the Police. We have talked with all the national firefighting and first responding organizations. They are all strongly in support of increasing this amount.

I must tell you, I am delighted that both the chairman of the Appropriations Committee and the ranking member have responded, and I am assured there will be added, in the managers’ package, an additional amount which will go directly to first responders.

Now, let me make one point. I recently heard from a Los Angeles city councilman, Jack Weiss, about one potential solution. It is a device called ACU-1000, which is available in a mobile version called the First Responder Vehicle. ACU-1000 is manufactured by JPS Communications, which is owned by Raytheon.

Now, here is how the First Responder Vehicle works: They take an SUV, and fill it with software that converts the different frequencies into a compatible network that allows first responders, using different communication devices, to talk to each other. So a local community, such as one of yours, I say to the Presiding Officer, or one of mine, can purchase this vehicle for $150,000 to $200,000 and thus allow first responders to coordinate using diverse, incompatible communications.

A public safety first responder will drive the SUV to an emergency. Then Federal agencies, State agencies, local agencies, the National Guard, police officers and firefighters can all talk to one another. This can be done for as little as $150,000 a unit.

While my amendment is for $400 million, I am hopeful that as much as the chairman and the ranking member believe is possible be appropriated and earmarked for interoperable communications in the supplemental and go directly to these first responding communities.

I also ask that the RECORD reflect that Senator Mikulski, Senator Dodd, Senator Durbin, and Senator Dayton are also very concerned about this issue and that they worked on the amendment with me. I thank them all very much.

The bottom line is that it is easy to solve this problem and that solving the problem is going to save lives. If you are going to protect the homeland, you have to enable those who first respond to a major crisis to be able to communicate.

Once again, I thank the chairman and the ranking member for working with me to include money for interoperable communications in the supplemental. I look forward to this issue being resolved in the manager’s package, but I would like to reserve the right, in the event something goes wrong, to call up the amendment.

Ms. LANDRIEU. Will the Senator yield for a personal statement?

Mrs. FEINSTEIN. I certainly will.

Ms. LANDRIEU. I thank the Senator from California. I particularly thank Mrs. Feinstein. I certainly will.

Ms. LANDRIEU. I thank the Senator from California. I particularly thank Mrs. Feinstein. I certainly will.

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

Ms. LANDRIEU. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter from the Governor of Louisiana and a letter from Louisiana’s Department of Public Safety and Corrections. These documents substantiate the statement outlined by the Senator from California.

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

STATE OF LOUISIANA,
OFFICE OF THE GOVERNOR,
M.J. ‘‘Mike’’ Foster, Jr.,
Governor.

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS,
Baton Rouge, LA.

Ms. LANDRIEU. Mr. President, I do ask unanimous consent to have printed in the RECORD a letter from the Governor of Louisiana and a letter from Louisiana’s Department of Public Safety and Corrections. These documents substantiate the statement outlined by the Senator from California.

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

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STATE OF LOUISIANA,
OFFICE OF THE GOVERNOR,
M.J. ‘‘Mike’’ Foster, Jr.,
Governor.

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS,
a letter to you dated March 14, 2003 requesting that the House Appropriations Committee report to accompany the Fiscal Year 2004, Commerce, Justice, and State, the Judiciary, U.S. Agencies Appropriations Act, include language in the Law Enforcement Technology Program account to provide $7 million for one-time equipment costs necessary to Louisiana’s statewide 800 MHz SmartZone public safety communications system. In addition, as Deputy Secretary of the Department of Public Safety Servicess, I request the assistance of the Louisiana State Police, and as the largest user of this lifesaving communications network I am also asking for your support.

The existing 800 MHz system is an analog one, designed over 15 years ago. The existing system has numerous gaps in statewide coverage. Upgrading to the digital system would eliminate communications interoperability gaps. The existing system is also limited in terms of communications interoperability. The digital system upgrade would greatly enhance communications interoperability. The requested system upgrade would measurably assist the public safety agencies in Louisiana who provide the bulk of the first response to mitigate follow-on effects of terrorism, or other manmade disasters) and consequence management efforts in emergency situations.

The move to a digital capable system allows the State to build on the existing 800 MHz infrastructure by reusing a large percentage of the hardware at the existing sites. These sites would be upgraded to allow for digital communications. New sites would be added to enhance coverage for the people. With the capability to add more sites, improve coverage and audio clarity the ability to interoperate with other public safety agencies would be greatly enhanced thus providing more agencies the capability of communications during a disaster recovery effort.

As mentioned in the Governor’s letter the State of Louisiana and local governments have invested approximately $42,500,000 in infrastructure and subscriber units for the statewide system. Your assistance in appropriating the necessary federal funds for the new communications upgrade will be greatly appreciated by the State of Louisiana, public safety community and those whom we serve.

Sincerely,

Col. Terry C. Landry, Deputy Secretary/Superintendent

Ms. Landrieu, Mr. President, the Senator from California is absolutely correct, and I would agree with the letter that the Senator was sent. The city council here as they experienced the attack on September 11. It has been on the top of the list of law enforcement from Louisiana.

I am pleased to join her as a cosponsor. I thank her for her leadership.

Mrs. Feinstein. Mr. President, I thank the distinguished Senator from Louisiana. I appreciate that. I was a mayor for 9 years. I required all of the departments to have portable radios. Every Monday we would test their radio systems. In 2004 in the event of an earthquake, at that time there was no other way for all the city departments to talk to one another except over a radio system. So I know firsthand the importance of interoperable communications.

I appreciate the comments. Thank you very much.

I yield the floor.

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

The PRESIDENT. The clerk will call the roll.

Mr. Stevens. Mr. President, I ask unanimous consent that the order for the quorum call be discharged.

The PRESIDENT. Without objection, it is so ordered.

Mr. Stevens. Mr. President, I remind Senators we are going to come up on a series of votes soon. This bill is a fairly complex bill. I ask the Members to move quickly to pass this bill. We will see if we have the votes in the Senate and by the Federal Government. We are providing the money for the Federal people. This bill is full of money to pay those who are in Federal employment to increase the level of homeland security. But what we are hearing now is that every city wants more. Every State wants more. It is time we realize we ought to have a debate about this in terms of what is the Federal policy.

I remember we used to have debates about Federalism and what it means. It doesn’t mean the Federal taxpayer pays every dime everyone wants in order to get ready for a potential terrorist attack. I have said this before. I had one mayor from a very small village in my State ask me to help him to get a new fire truck for homeland security. When I looked into it, I found out they didn’t have a fire station. As a matter of fact, most of the roads weren’t paved. This concept that everybody is going to get part of the money we put up for homeland security, I believe, is wrong.

As we vote, I hope the Members on my side stand up and be counted in terms of protecting this bill that the President wants. I keep hearing we have a war going on. Well, I see three wars out there, and I don’t know how long any one of them is going to go.

The President deserves our support. Our people in uniform deserve our support, and the people fighting in Iraq and Afghanistan deserve our support. This bill is. This is a bill for supplemental assistance for national defense and a very small amount
This gets to the point where I would like to talk about something else for a minute. I mentioned before today that I read in this morning's paper the tremendous story of one of our brave young soldiers, PFC Jessica Lynch. I asked my staff to look up more about her.

As we all know from reading the papers, she is 19 years old. She is a supply clerk with the Army's 507th Ordnance Maintenance Company supporting the 3rd Infantry Division advancing toward Baghdad. I am sure Senator Byrd knows that PFC Lynch is from Palestine, West Virginia, and that was the female soldier who was rescued from Iraq.

I remember so well standing on the floor of the Senate years ago, when we had the draft, urging that we extend the draft so it covered everybody who was 19 and female. That was 20 years ago. People thought that women should not be in combat at all. This young woman shows what happens when a brave, young American woman is in combat.

She was taken captive, as we all know, by Iraqi forces on March 23, after her company was ambushed near the southern city of Nasiriyah. She was rescued Tuesday from an Iraqi hospital after 8 days in captivity. It was obvious that we had not seen the end of this war. She is the first POW to be rescued.

Above all, I want to commend Jessica Lynch for her commitment to this war. She is the first POW to be rescued and returned to her unit and will be, ultimately, to her family.

As the first Democratic woman to ever serve on the Armed Services Committee in the Senate, following in the footsteps of Margaret Chase Smith; the Senators from Maine, Ms. Snowe and Ms. Collins, I am particularly appreciative of the support of the Senator from Alaska and other members who have, year after year, argued—and I think successfully, as the record will show—that women should not be in combat at all. They are responsible in nature. And they are not political in nature.

I think this is a tremendous example of the young people who are involved in this war. She is the first POW to be rescued since World War II. I believe that is a good thing. I think that is a good demonstration of our military's commitment to never leave a soldier behind.

We have invested a great deal in the Special Forces. Just recently, I flew to Tampa and visited with Special Forces Command. We will continue to rely on their expertise. This recent success is proof that our investment is paying dividends in saving American lives, and it demonstrates the critical need of Congress to continue to support America's Special Forces and to support this bill and get this bill to the President as soon as possible.

Above all, I want to commend Jessica Lynch. I think their efforts are a demonstration of our military's commitment to never leave a soldier behind. This young woman shows what happens when a brave, young American woman is in combat.

Senators on this side of the aisle during the last 2 days. We have been admonished for 2 weeks now by the Democratic leader that we must finish the bill this week.

We have tried to be responsible with the amendments we have offered. We have never asked for more than the Senate from Alaska and his staff in good faith, and we have been able to work out some very big amendments, I think, to the betterment of this country.

We have not tried in any way to alter the financial package that is going to the President that relates to the military. I have told the Senator from Alaska, and anyone else who would listen, that I am grateful he was able to put in the bill something that will help bolster the military in this country, which badly needs help.

But we also believe on this side of the aisle—and I personally support all $9 billion that the President has put in this bill for foreign aid—that if we can get $9 billion for foreign aid, we can re-examine what is being done for homeland security, and that is in effect what we are doing—re-examining what is taking place in the bill relating to homeland security.

So the Democratic leader and all the Senators on this side of the aisle are committed to finishing the bill tonight. We understand the importance of it. Nobody should criticize any of the amendments that we have filed. They are targeted, and they are not political in nature. They are responsible in nature.

Before I yield the floor, the Senator from Mississippi is here. It is my understanding that we are going to have a vote in about 7 minutes. The Senator from Louisiana has an amendment to offer that has been worked out on the other side. I think it would be to everyone's advantage that we go to her until the vote. There will not be a vote required on her amendment.

Mr. President, I don't have first-hand knowledge of the agreement with respect to the Senator's amendment. I assume this is the Merchant Marine amendment.

Ms. LANDRIEU. Yes. Mr. COCHRAN. I have no objection to her proceeding until we vote at 4:45.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, before I send my amendment to the desk, I want to take a point of personal privilege and comment on the remarks made by the Senator from Alaska and tell him how much I and many women who served in the military appreciate them. They were heartfelt and they were right on target, and they were sincere, and they were very meaningful on this day, as we all read about the extraordinary event of the last 48 hours in which this young soldier was rescued and returned to her unit and will be, ultimately, to her family.

I thank the Senator for his comments and for his leadership and add my own voice to the progress we are making on that issue.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows: The Senator from Louisiana [Ms. LANDRIEU], for herself and Ms. MIKULSKI, proposes an amendment numbered 504.

Ms. LANDRIEU. 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 make applicable provisions of law requiring the use of privately owned United States flag commercial vessels for the transportation of U.S. Aid and other materials)

At the end of chapter 2 of title I, add the following:

AMENDMENT NO. 504
In additional support of this amendment, it does not cost anything. I know there are Members who say every amendment that has come to the floor has added money to the bill. This does not add any money to the bill. It is not to attempt to slow down the bill. It is simply offered to make sure that our merchant marine and the laws governing flags, the vessels, and the crews of the ships that will be carrying a lot of this cargo follow the law as it is today and only grant the waiver to the President and give him broad flexibility under certain guidelines unless there is an emergency or cost is involved.

At the appropriate time, I will ask for a vote.

Mr. STEVENS. Regular order.

AMENDMENT NO. 494

The PRESIDING OFFICER. The regular order is the vote on the motion to table the Breaux amendment No. 494.

Mr. COCHRAN. The yeas and nays have been ordered, I think, Mr. President.

The PRESIDING OFFICER. The yeas and nays have been ordered. The question is on agreeing to the motion to table amendment No. 494. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

Mr. BINGHAMAN, for the Chair, offers the following amendment to the amendment just reported from the Senate Armed Services Committee.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no." The result was announced—yeas 52, nays 46, as follows:

[Roll Call Vote No. 139 Leg.]

YEAS—52

Alexander...

Mikulski...

NAYS—46

Akaka...

Murray...

Inouye...

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

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

Mr. REID. I have spoken to the manager in the usual way, and the ranking member of the Appropriations Committee has an amendment to offer. He has agreed to have a time agreement. Would 30 minutes equally divided be appropriate or 40 minutes equally divided?

Mr. BYRD. Fifteen.

Mr. REID. I ask unanimous consent that the Senator from West Virginia be allowed to proceed with his amendment and that there be 40 minutes equally divided in the usual way.

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

AMENDMENT NO. 508

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

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

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) proposes an amendment numbered 508.

Mr. BYRD. 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 protect the prerogatives of the Congress in the allocation of homeland security funding.

On page 36, Line 9, strike all through the period and insert the following:

Border and Transportation Security

For an additional amount for "Customs and Border Protection, $160,000,000, to remain available until December 31, 2003, of which not less than $25,000,000 shall be for the Container Security Initiative and not less than $125,000,000 shall be for radiation portal monitors and other forms of non-intrusive inspection equipment to be deployed at the Nation’s ports-of-entry.

Transportation Security Administration

For additional amounts for necessary expenses of the Transportation Security Administration related to transportation security services pursuant to Public Law 107-71 and Public Law 107-296 and for other purposes, $452,000,000, to remain available until December 31, 2003, of which not less than $50,000,000 shall be available for grants to public transit agencies in urbanized areas for enhancing the security of transit facilities against logical and other terrorist threats, not less than $147,000,000 shall be for installation design, installation, and FAA certification of a system to detect chemical and biological threat agents against portable, infrared, heat-seeking missiles, not less than $100,000,000 shall be for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, and not less than $100,000,000 shall be for railroad security grants including grants to the National Railroad Passenger Corporation for capital expenses associated with tunnel and dispatch facility security enhancements.

Federal Law Enforcement Training Center

For an additional amount for "Salaries and Expenses", $5,000,000, to remain available until December 31, 2003 for personnel, equipment and support for support training requirements for Federal and State and local law enforcement personnel.

Office for Domestic Preparedness

For an additional amount for "Office for Domestic Preparedness, $300,000,000, to remain available until December 31, 2003, of which not less than $100,000,000 shall be for "Emergency Management Planning" to improve communications within and among first responders including law enforcement, firefighters, and emergency medical services personnel, $200,000,000 shall be for grants for the purchase of radiation detection equipment, and not less than $24,000,000 shall be for the establishment of Marine Safety and Security Teams.

United States Coast Guard

Operating Expenses

For an additional amount for "Operating Expenses", $20,000,000, to remain available until December 31, 2003, of which not less than $42,000,000 shall be for Port Security Assessments and the Port Security Assessment Program to provide for the purchase of radiation detection equipment, and not less than $24,000,000 shall be for active tracking and monitoring vessel operations in United States waters.

Departmental Management

Counterterrorism Fund

For an additional amount for the "Counterterrorism Fund", for necessary expenses of the Secretary of Homeland Security, $105,000,000, to remain available until December 31, 2003, of which not less than $10,000,000 is provided under this heading which shall be transferred to, and merged with, funds in the "Emergency Planning and Security" heading, to provide for security upgrades and backup operations of transportation, emergency response, energy, and communications infrastructure in the District of Columbia, provided that the Mayor and the Chairman of the Council of the District of Columbia shall, in consultation with the governments in the District of Columbia, provide an implementation plan to Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds: Provided Further: That of the total amount provided, $20,000,000, is provided under this heading which shall be transferred to, and merged with, funds in the "Emergency Planning and Security" heading, to provide for security upgrades and backup operations of transportation, emergency response, energy, and communications infrastructure in the District of Columbia, pursuant to sections 2631 and 2631a of title 10, United States Code, for expenses related to enhanced security of the transportation purposes of the United States flag commercial vessels for certain transportation purposes of the United States.

Ms. LANDRIEU. I thank the Senator from West Virginia for yielding for a few moments because I understand this amendment has been worked out.

This amendment simply clarifies the underlying bill. It doesn’t add a penny to the bill. It seeks to clarify the waiver given to the President that will mirror the current law regarding U.S. flag ships. It doesn’t add any new legislation to the law. It simply clarifies the general waiver provisions in the supplemental provision, that the same law in effect today will remain in effect for the Military Cargo Preference Act. I understood it has been agreed to. I submit the amendment for consideration.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.
Mr. BYRD. Mr. President, I sent to the desk an amendment and I asked unanimous consent that further reading be dispensed with, which was granted.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I ask unanimous consent that Mr. HOLLINGS be made a cosponsor.

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

Mr. BYRD. Mr. President, on March 25, 2003, the President sent to Congress a $74.7 billion supplemental appropriations request for "urgent and essential requirements" for the costs of Operation Iraqi Freedom and for the global war on terrorism. In his request, the President sought an unprecedented level of flexibility in the use of those funds. This request was not only for the Secretary of Defense for the prosecution of the war in Iraq but also for the Secretary of Homeland Security and for the Attorney General.

While I understand the unique circumstance in which the Nation finds itself, the situation is not entirely without parallel. We have been at war before. We have faced earthquakes and we have faced floods before. We have faced economic crises before. But the need to confront a crisis in a thoughtful and nimble way does not mandate that the Congress allow the executive branch to usurp its constitutional duties.

The Constitution grants to the Congress the authority to appropriate funds and the responsibility to use that authority to make careful choices. Yet the President has asked the Congress to hand over its responsibility to the executive branch. The bill that is before the Senate includes $1.135 billion to be parcelled out by the Secretary of Homeland Security for whatever purpose he deems most appropriate. So will he use that authority to support the Coast Guard? Will he use that authority for border security or for port security? Will he give the money to States or to localities? Will he give it to first responders—police, fire, or emergency medical personnel in our communities? Or will he use it to build up a new bureaucracy?

These are questions to which Congress should be seeking the answers. Congress needs to guard its prerogative and resist succumbing to expediency and to political partisanship.

While I fully support the funding in this legislation for the men and the women who are engaged in battle in Iraq, I do not support additional grants of authority to this administration, or to any other administration, that would infringe upon the congressional power of the purse.

Senator STEVENS and I, together with the subcommittee chairman and ranking members, have worked, in most cases, to improve the President's supplemental budget request. We have eliminated or reduced the sweeping grants of new authority requested by this administration, while still providing some very limited flexibility where appropriate.

However, with regard to this unallocated fund for the Secretary of Homeland Security, I do not believe that the President has adequately protected the prerogatives of the Congress, nor have we done enough to protect our homeland. Time and again, the White House has argued that funding for securing our homeland can wait. When the Senate debated legislation to increase funding for homeland security just 2 months after the September 11 attacks, we tried to add money for homeland security, but the President said let's wait—let's wait until 2002. Then, in 2002, the Congress approved a $2.5 billion supplemental for first responders, for port security, border security, aviation security, and nuclear security, and the President refused to spend it. He claimed that homeland security could wait until 2003.

Now it is 2003 and Senators on the other side of the aisle—some of them—are saying we are half way through the fiscal year; so let's wait until 2004. Well, I must ask the Senate, in the name of the people whom we represent, when will it be safe to securing our homeland? How much longer must we wait?

The President proposes to put more than $1 billion in a fund for homeland security, but tell us what the money will be used for. He does not tell us which agencies have requested funding. He provides us with no evaluations of those requests. He does not tell us when the money will be spent. For all we know, he may take the rest of this year to decide how the money will be spent so that he can reduce his spending request for fiscal year 2004. But who knows, he may just tell us that homeland security spending can wait until 2005.

How can I reconcile this desire to wait, wait, wait, with the fact that the Secretary of Homeland Security has said that more terrorist attacks are inevitable and the threat of further attacks is a long-term threat to our Nation? I simply cannot reconcile his statements with the policies of this administration. This threat of terrorist attack will not end at the end of this war.

So today, here is an amendment that does not add one thin dime to the bill. Instead, this amendment does what the Constitution—which we all swore to uphold—requires. It gives the authority to this Administration for the $1.135 billion in homeland security. It is an excellent series of hearings where we heard from Governors, mayors, first responders, six cabinet officers, the Attorney General, and the Administrator of FEMA. In those hearings, we identified numerous gaps in our security. Based on those hearings and numerous reports, such as the nonpartisan Rudman-Hart report, my amendment, which I offered together with Senator HOLLINGS, allocates the $1.135 billion contained in the committee bill for specific programs.

More than $305 million would fund critical improvements at our seaports. Six million containers enter into the United States each year through our ports and very little is known about the contents of these containers or their shippers. There is no national system in place to track who is working in these ports. This funding would begin to develop that system.

The amendment would also pay for the installation of monitors at seaports to detect radiological, nuclear, chemical, biological substances, and weapons of mass destruction, without disturbing cargo. Additional equipment would expedite the inspection process. At the same time, we invest in port security teams and in other quick-response efforts should a terrorist strike at any of the Nation's seaports. We provide $150 million for mass transit and rail security. Transit systems throughout the world have historically been a top transportation target of terrorists. They are, by their nature, open systems, which means that many people and are very vulnerable to attack.

With the exception of the Metro in the District of Columbia region, no money to date has been provided to our Nation's transit system to enhance security and reduce the vulnerability of these systems.

Under the amendment, the Transportation Security Administration will receive $147 million for aviation security, while $55 million is directed toward the effort to find ways to protect commercial airplanes from missile attack.

Another key part of this amendment is the $100 million directed toward interoperable communications equipment for police and first responders. First responders need equipment that allows them to communicate with each other regardless of the team, the squad, or the department to which they belong.

Finally, there is funding totaling $75 million for the Secretary of Homeland Security to use for responding to unanticipated problems. The Secretary could draw on this fund by notifying the Congress 15 days in advance of spending the money. Mind you, this is no small sum. This is $75 million.

This Congress can make intelligent choices and this Congress should make intelligent choices about how to use the taxpayers' dollars. We should not abrogate that responsibility by handing it off to unelected officials in Washington.

I urge Members to support this amendment. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield myself such time as may consume under the order.

The PRESIDING OFFICER. The Senator is recognized.
Mr. COCHRAN. Mr. President, this amendment is a modified version of the amendment the Senate just acted on a little while ago offered by the Senator from Louisiana, Mr. BREAUX. That amendment was tabled by the Senate. This amendment includes the $1.135 billion in supplemental appropriations provided in the committee bill of $1.135 billion for the Department of Homeland Security Counterterrorism Fund and replace it with specific supplemental appropriations for various Department of Homeland Security actions. It includes a number of specific earmarks and proposals that have been included in other amendments that have been offered to this bill but have been either tabled or defeated. These additional amounts have no direct relationship to additional costs borne by the agencies as a result of heightened security related to the Iraqi war as part of Operation Liberty Shield.

For example, this amendment proposes to add an additional $160 million for the Customs and Border Protection account. Of this amount, $35 million is proposed for the Container Security Initiative. That is nearly three times the fiscal year 2003 regular appropriation level of $12 million; and $125 million for radiation portal monitors and other equipment, over two times the regular fiscal year 2003 appropriation level of $45.7 million.

It does not seem to me to make good sense to add these amounts of money at this time to a supplemental of immediate need to pay costs related to the war and Operation Liberty Shield. We are 8 months into this fiscal year. The amendment proposes an additional $452 million in supplemental appropriations for the Transportation Security Administration. It includes $100 million for port security grants when the fiscal year 2002 funds have not been completely awarded. Ninety million dollars in 2002 funds have been re-wired, and $105 million in applications are being currently examined, and there is another $150 million in 2003 appropriations.

It also includes the $55 million proposed by the amendment offered by the Senator from California, Mrs. BOXER, which the Senate already tabled earlier today. This amendment being presented to the Senate now is a proposal that must have already been rejected.

The amendment proposes $5 million for the Federal Law Enforcement Training Center. This is more than double any supplemental funding requirements identified to us by the agency. We have asked the officer what they need to meet their responsibilities. We tried to find out what the requirements are and to make this bill coincide with those requirements. We are not talking about a full fiscal year, we are talking about the balance of this fiscal year, this supplemental appropriation.

This amendment proposes an additional $300 million on top of the $2 billion recommended separately in the bill for the Office for Domestic Preparedness. Listen to this: For the Coast Guard, it adds an additional $73 million. This is on top of $580 million provided separately in this bill for the Coast Guard costs related to Operation Iraqi Freedom and Operation Liberty Shield. Of that amount, $42 million is for port security assessments, when the highest estimate we know to complete this is $37.8 million. Another $7 million is for the purchase of radiation detection equipment which is currently under study. Specifically, the Coast Guard is studying what the cost to purchase this equipment will be. So it is difficult to determine the funding required until that study is complete.

Further, the amendment proposes $40 million in supplemental funds to implement the Automated Identification System and other tracking systems when only $1 million is proposed for fiscal year 2004.

Think about that: This supplemental amendment proposes $40 million in supplemental funds for something when only $4 million is proposed for fiscal year 2004.

Finally, it proposes $105 million for the Counterterrorism Fund and specifies the transfer of these funds to other Federal agencies rather than proposing any supplemental appropriated funds directly to those agencies—$20 million to the District of Columbia, $10 million to the National Park Service.

My position is the same on this amendment as it was on the Breaux amendment that was tabled. We have carefully examined the proposal from the administration for supplemental funding. The request was submitted to our committee. We had hearings. We had opportunities to talk with the agencies involved. We have an idea what is going on in that so-called Department of Homeland Security.

We brought the Attorney General up, and he did an incredible job in my office of Domestic Preparedness is transferred over. Then you go, by gosh, to the homeland security people, and you cannot find the money.

What the ranking member for homeland security is doing is bringing together all the chaos. We are the ones having the Coast Guard hearings for 30-some years up here. We are the ones who have been handling the Office of Domestic Preparedness. We are the ones who have been handling the needs.

This does not add a red penny but says here is how these needs should be responded to and it is an emergency.

I commend the distinguished Senator from West Virginia for his particular amendment. He is trying to do the right thing. He is being charged with doing the wrong thing. It is the same thing as the Breaux amendment.

I remember one time they told me I had an impediment in my speech and I asked: What was that? They said: The trouble with you, Senator, is that you can't listen. The trouble with my friends on the other side is they didn't listen to the Breaux amendment.

Now we are getting it clearer with the amendment of the Senator from West Virginia.

Mr. BYRD. I thank my friend from South Carolina. He is a good listener. As far as I am concerned, he does not have any impediment in his speech.

The Constitution invests the power of the purse, the control of the purse, here, in Congress, section 9, article I, of the Constitution. It does not say anything about letting some bureaucrat downtown—we all appreciate the fact we have to have bureaucrats, but nowhere do I swear it is important to defend the Department of Homeland Security when it comes to the allocation of the taxpayers' money.

We are doing what we ought to do here. We are saying these funds are the taxpayers' money; Congress shall determine how they will be spent. Why should we turn over $1.3 billion to a Department head: You take it? That Department head does not appear on the ballot anywhere. He may have in times past. He

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Will the Senator yield 3 minutes?

Mr. BYRD. How much time do I have?

The PRESIDING OFFICER. Ten minutes.

Mr. BYRD. I yield.

Mr. HOLLINGS. There is no one I admire more than my distinguished colleague from Mississippi, Senator COCHRAN, but he is off base. The father of homeland security studied it way better than Governor Ridge. We have been holding the hearings on all of these things, and you can see they have no idea what is going on in that so-called Department of Homeland Security.

We brought the Attorney General up, and an incredib.--Well, an incredib--the Breaux amendment.

The PRESIDING OFFICER. Ten minutes.

Mr. BYRD. I want the time back. I have an amendment of the Senator from Mississippi, Senator COCHRAN, on the table. Mr. HOLLINGS. Senator COCHRAN.

Mr. COCHRAN. I urge the Senate to reject the amendment. The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. The Senator yields back.

Mr. COCHRAN. I urge the Senate to reject the amendment.
was a good Governor, I suppose. I have a lot of respect for him. But nowhere does he appear before the elected representatives, before the electors in the various States. And we do. We have a responsibility to say where this money will be spent.

We had hearings, as Senator Hollings has so ably pointed out. We had extensive hearings. We had six Department heads, we had the Attorney General, we had the Director of Homeland Security, we had mayors, we had Governors, we had firemen, we had policemen, we had emergency health personnel before the Appropriations Committee. Those hearings were well attended by Members on both sides of the aisle. My distinguished friend from Mississippi was there.

We then reported out bills based on the hearings and the facts that were gleaned from those painstaking hearings, and in a great way that work was for nothing.

But here we are, we come back, and we are trying to say yes, we will respond, Mr. President. We will appropriate this money, but we are not just going to turn over a blank check to the Department of Homeland Security. That agency head—I have a lot of respect for him, as I say, but he was not allowed to come before our committee during those hearings. He was not allowed by this President. This President said, no, Mr. Ridge shall not appear before the Senate Appropriations Committee.

Now are we willing to turn it over to Mr. Ridge and say: Here it is, lock, stock and barrel, the whole kit and caboodle; you have it; we will spend it; we will set ourselves aside. I am not willing to do that. I say with great respect to my friend from Mississippi, and he is my friend. We have a responsibility to say where this money is going to be spent, how it will be spent. We ought to live up to that responsibility.

I hope Senators vote for the amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it is with some trepidation that I oppose the amendment of the Senator from West Virginia because we have enjoyed working with him on this committee and in the Senate for a long time.

There may very well be provisions in this amendment he offers that should be seriously considered for inclusion in the fiscal year 2004 appropriations bill.

Right now, we are having hearings in the various subcommittees of Appropriations looking at the budget requests for 2004. Every committee is involved in that process, every subcommittee is involved in that process. But this is an appropriations bill that is targeted to specific needs that are arising from Operation Iraqi Freedom and Operation Liberty Shield, the functions of the Department of Defense and the Department of Homeland Security.

It is a very narrow and limited area that we are concentrating our attention on right now. Some of these programs are hard to estimate in terms of what is really needed for the remainder of this fiscal year in addition to the funds that have already been appropriated in the supplemental appropriations bills for the Department of Defense and Department of Homeland Security.

But the President submitted this request, asked for the funds to finish out this fiscal year. We know we can add funds and probably use them later on, but this is not the last bill we will consider during this calendar year, that funds these Departments and these activities. We have the 2004 bill coming up after the supplemental appropriation. I ask Senators to take that into account. If we have underfunded anything as a result of mistakes made, we can make up those shortfalls in the year 2004, but right now this is what the administration says they need.

I am not the Secretary of the Department of Homeland Security. I have not devoted all of my personal attention to that job as has Secretary Ridge. The President and his other staff members and the executive branch have not had the right to participate in this process. Just because we think we can improve upon what they have suggested by adding funds to these accounts—even funds that have been considered and rejected today by the Senate—let's pass it.

This amendment contains a lot of things that have already been considered today and rejected by this Senate. So think about that, as well.

I don't think I need to take up any more time. I am prepared to yield back my time. I do yield back the time on this side. When the Senator has used all his time, it would be my intention to move to table the amendment.

Mr. BYRD. How much time remains?

Mr. BYRD. The Senator from West Virginia has 4½ minutes.

Mr. BYRD. Mr. President, my friend from Mississippi says the folks downtown want to participate. They did not want to participate last year when we asked the Secretary of Homeland Security—who is now the Secretary of Homeland Security—to appear. The President did not want to participate then. The President said: No, he shall not go up and speak for a long time.

So I say, Mr. President, once again, this administration is simply asking for too much authority. They want to participate? Well, this is not the first time administrations have wanted to participate. Under this Constitution, Congress has the power to appropriate funds. I say that Congress has not only the right, it has the responsibility to state how those funds shall be spent. We should not turn over the whole kit and caboodle to some unelected somebody down there, who is the Secretary of Homeland Security. We transfer our responsibilities, we hand off our duties when we do that.

This is an effort to stand by our constitutional duties, to stand by the taxpayers of the country who provide the money. This is our responsibility. We should say where these moneys will be spent, and we are doing that based on the responsibility of Senators, I say to the distinguished Senator from Texas who is in the Chair. He shares that responsibility with the Senator from West Virginia and the Senator from North Carolina and the Senator from Mississippi. That is our responsibility. Why do we want to hand it over to some bureaucrat who is not elected by the people, who doesn't have to stand before the bar of judgment as we Senators do? Why do we want to hand this over to the administration? Just because the administration wants to have it?

This administration, time and time again, has turned the back of its hand to Congress when we made appropriations for homeland security—time and time again. We appropriated $2.5 billion last year, designated as an emergency, and that money would be out there in the hands of the local responders right today if this President hadn't turned the back of his hand on that and said: No, I refuse to attach my signature designating that as an emergency.

So, there you have it. That is talk very loud action.

Mr. President, I hope Senators will support this amendment. Read the Constitution once again if need be, but take my word for it, that is in the Constitution.

I hope Senators will stand up for the Constitution, stand up for the taxpayers. See, those taxpayers are looking right at us through those electronic lenses there. I say support this amendment.

I yield the remainder of my time.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. I understand there are discussions with the acting leader of the other side. Senator Stevens just has a sense-of-the-Senate amendment dealing with taxes that we could take up now and have a debate on it and have a vote in relation to that amendment that would follow immediately after a vote on the Byrd amendment. I will be happy to yield to the Senator.

Mr. REID. If the Senator will yield, Senator Stevens has indicated he it has been cleared by both leaders that we could have a vote around 6:30.

I am in keeping with the remarks of the Senator from Mississippi, that we have a vote in relation to the Byrd amendment at the
concerned about deficits, I can tell you that. We spent a half trillion dollars last year we didn't pay for. Under the President's budget we just passed—another half a trillion dollars in deficits this year. And the President projects to spend, and to invest, next year, as well. The particular budget we just passed increases the debt, the national debt, from approximately $6 trillion to $12 trillion. We double the debt in the next 10 years and we are going merrily along, not paying for anything. We are sending that GI into Iraq. It is a sincere demonstration. But then you have to question the sincerity when we will not pay for anything.

We are sending that GI into Iraq, and we are saying we hope you don't get killed. And the reason we hope you don't get killed is we want you to hurry back so we can give you the bill. We aren't going to pay for that.

What we need, and Carl Rove has told us, is a tax cut so we can get elected next year. We are not concerned about the needs of the country. We are concerned only about the needs of the campaign. I hope this sense-of-the-Senate amendment will engender support for the troops.

The articles on the front page of the business section of the New York Times today explain why this is necessary. I ask unanimous consent to print the two articles, "Sour Mood Pervades the Economic Front," and, "A Year-long Decline in the Dollar Is Little Help in the U.S. Trade Gap."

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

SOUR MOOD PERVADERS THE ECONOMIC FRONT
(Edmund L. Andrews)
WASHINGTON, April 2.—While American optimism about the economy is still being battered, stock market optimists hope that American and British forces are closing in on victory in Iraq, but the mood among business executives and consumers is sour.

Every survey of manufacturers over the last month has shown a sharp increase in pessimism as executives complain about slumping demand for their own goods and higher prices for the materials they use to make them.

The Commerce Department reported today that factory orders dropped 1.5 percent in February, the biggest drop in five months. If on Friday, economists predict, the government will report that unemployment rose again in March.

Though the increase in joblessness is expected to be modest, the economy has already shed more than 600,000 jobs since November and two million since President Bush took office.

Consumers, whether because of anxiety about the war or because they have been preoccupied with television coverage, have slowed their spending. Car sales declined last month, airline travel has dropped and retailers have reduced their expectations of growth for the year.

The trend is even worse in Europe and Japan, where growth has almost stalled entirely. As if that was not enough, tourism and travel through Asia are now being hurt by fears of the spread of the disease known as severe acute respiratory syndrome, or SARS.

In effect, President Bush is being forced to fight wars on two fronts. Anxiety about the war in Iraq have slowed the economy, with businesses still reluctant to invest in new factories or expand their work forces.

But a growing number of analysts are skeptical that the economy will snap back after the shooting subsides. The aftershocks of the stock market bubble still appear to inhibit investor confidence and corporate spending.

We have had three consecutive quarters of below-trend growth," said William C. Dudley, chief United States economist at Goldman Sachs. "To explain all that on the basis of the war in Iraq seems to be a stretch."

Initial data from retailers indicates that consumers slowed their spending noticeably in the first week of the war. But it remains unclear whether they will rush back into stores when the war dies down.

On Tuesday, Instinet Research's survey of chain stores found that sales dropped by 2.8 percent last week, compared with those in the week a year earlier, and that March sales were off 1.5 percent. A significant part of that decline stemmed from unusually bad winter weather, as well as the fact that the Easter weekend fell earlier last year.

But consumer surveys suggest that Americans have curbed their urge to shop. The most recent poll by ABC News and Money magazine, released on Tuesday, showed that consumer confidence remained near its lowest point in nine years.

In a poll conducted by The New York Times and CBS News, taken from March 20 to 24, about 49 percent of the respondents said the economy was bad while 50 percent said it was good.

Those attitudes constituted an improvement over the month before and may have reflected the initial surge of optimism that the United States and Britain would defeat Iraq within days.

In follow-up interviews today, at least some participants had returned to their earlier pessimism.

"I would not make any purchases at this time," said Robert Micheo, a retired probation officer in Los Angeles. "The economy is going down day by day, and it's going to get worse."

Alan Greenspan, the Federal Reserve chairman, has continued to express a comparatively sunny view that confidence will revive as soon as the "geopolitical uncertainties" abate.

But Fed officials say the uncertainties about the economy are so numerous that they cannot make any predictions. And the surveys of business sentiment by Fed regional banks have been extremely gloomy.

Earlier this week, the Philadelphia Fed's survey of manufacturers showed deteriorating conditions in several areas. Companies in the region reported that new orders and hiring declined sharply in March and that its broadest measure of manufacturing conditions had plunged.

YEARLONG DECLINE IN DOLLAR IS LITTLE HELP ON TRADE GAP
(By Daniel Altman)

For many economists, the dollar'slagged yearlong slide is just the latest facet of an inevitable contraction in the nation's huge trade deficit. But current economic and political conditions are making the process more pernicious than it might otherwise have been. Recently, the dollar's exchange rates have bounced up and down with news from the
Iraq war: last year, on news of American military progress toward Baghdad, it reached 118.98 yen, up 0.76 percent from Tuesday. But the dollar’s overall trend in the last year has downwardly surprised — well before the possibility of war in Iraq.

In most recent poll, by ABC News and Money magazine, according to estimates by the Bond Market Association, for foreign direct investment for six consecutive quarters, according to figures compiled by Morgan Stanley.

Consequently, investors may still be hard pressed to find a better place to invest. “The Europe of its trade imbalance with the United States. Indeed, investors may still be hard pressed to find a better place to invest.

Mr. HOLLINGS. I quote hurriedly, Mr. President, just to emphasize, if you please, the problem we are really getting this generation in:

A growing number of analysts are skeptical that the economy will snap back quickly after the shocks of the stock market bubble still appear to inhibit investor confidence and corporate spending. We have had three consecutive quarters of output growth,” said William C. Dudley, chief United States economist at Goldman Sachs. “To explain all that on the basis of the war in Iraq seems to be a stretch.”

Moving along:

But consumer surveys suggest that Americans have curbed their urge to shop. The most recent poll, by ABC News and Money magazine, according to figures compiled by Morgan Stanley, suggests that consumer confidence remained near its lowest level in nine years...

. . . surveys of business sentiment by regional banks have been extremely gloomy. The Fed survey of many manufacturing factors showed deteriorating conditions in several areas. Companies in the region reported that new orders and hiring declined sharply in March, and that its broadest measure of manufacturing conditions had plunged.

There is also the statement that we have lost 600,000 jobs since November.

On Tuesday, a closely watched index of manufacturing activity by the Institute of Supply Management ... [for the first time in five months ... suggested that factories were contracting rather than expanding.]

Then, Mr. President, jumping right to that next article, because you can see we have always depended on the foreigners to pay for our debt—they have been carrying over a third of our debts— I quote, again:

Last month, according to a report by Morgan Stanley, foreign investors’ demand for Treasury securities suddenly slackened.

They stopped buying that debt. I tell you, this is very dangerous to us because we are going to have to increase the interest rates, when deficits materialize. According to Alan Greenspan. All my colleagues want to object, and they run around with the litany that: We are worried about deficits.

The truth is, we are not worried about deficits. This $800 billion bill before there is a war. We are going to borrow to support the troops, and then want the troops to come back and let them pay for it.

Let me read some more:

In addition to the changes in portfolios, the move of foreign investors near zero, almost all new investment by American businesses would essentially be financed with foreign money. “The only way we can grow is to get capital from abroad,” said Stephen S. Roach, chief economist of Morgan Stanley. “What we’re seeing now are some early warning signs of how this will play out over the next several years.”

The Treasury also needs foreigners to remain interested in dollar-denominated securities. According to estimates by the Bond Market Association, for foreign direct investment . . .

Mr. Schoenholtz says he thinks the United States could regain its attractiveness to foreign investors. “If concerns about the war fade, and oil prices fall, the Treasury borrowing requirements will probably be $250 billion to $300 billion, according to the latest estimates from the Congressional Budget Office.

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the marginal tax rate to 77 percent; World War II, 94 percent; Vietnam, 77 percent. That is the last time—and I was here—that we balanced the budget, that we paid our way, under President Lyndon Johnson, guns and butter. The tax rate was 77 percent.

Now it has already been cut to 38.5 percent, and they want to cut it further in the budget that just passed. And to say, Why do we have deficits? and to use the statement that we are concerned about deficits—that is nonsensical. Now it is no concern. This place has run amok. And if we can’t get a sense of the Senate that we are willing to pay for the war, we are just going to have to quit, we are not doing the people’s job at all.

The party of Lincoln that passed in order to pay for the Civil War the estate tax and the dividend tax, this party of Lincoln today, in 2003, says: Let’s go to war. And the first order of business is to eliminate the estate tax, eliminate the dividend tax, and talk about stimulus, stimulus, growth, growth.

Do you know that in 200 years of American history, with all the wars—World War II, right on through, Korea, Vietnam—we never had a $100 billion interest cost on our debt. But, by gosh, along came President Reagan. George Walker Herbert Bush called it voodoo. And under voodoo we went not only to $100 billion, but we went to $200 billion in interest costs. And then we went to $400 billion under President Bush’s father. Then, under President Clinton, we eliminated the deficit. It took 8 years to eliminate that $400 billion deficit, but we raised taxes, which I am asking you to do, at least to pay for the war—not for any other program. I have a value-added tax. Mr. President, that is S. 112.

Mr. President, I ask unanimous consent that this particular chart be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

<table>
<thead>
<tr>
<th>War</th>
<th>Individual income</th>
<th>Corporation income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil War</td>
<td>0-10%</td>
<td>Dividends</td>
</tr>
<tr>
<td>World War I</td>
<td>13-77%</td>
<td>1-12%</td>
</tr>
<tr>
<td>World War II</td>
<td>34-77%</td>
<td>35-94%</td>
</tr>
<tr>
<td>Korean War</td>
<td>82-97%</td>
<td>41-84%</td>
</tr>
<tr>
<td>Vietnam</td>
<td>77-97%</td>
<td>46-52%</td>
</tr>
<tr>
<td>Afghan, Iraq and Terrorism Wars</td>
<td>Tax Cut</td>
<td>Tax Cut</td>
</tr>
</tbody>
</table>

Mr. HOLLINGS. Mr. President, before I forget, I ask unanimous consent to have this article printed in the RECORD: “No Excuse for Tax Cuts,” by E. J. Dionne, Jr.

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

[From the Washington Post, Mar. 25, 2003]

WASHINGTON TALKS A BLUE STREAK AS SOCIAL SECURITY’S RED INK RUNS

(By Allan Sloan)

No matter how well the war goes, the United States has one problem that isn’t going away: Social Security. And despite what you may have read last week, Social Security’s financial situation isn’t getting better. If anything, it’s getting worse, because we’ve been doing nothing about anything the program’s long-term problems.

Pour yourself a glass of warm milk or a stiff drink, depending on how you calm your nerves, then look at the numbers. Open the 2003 Social Security Board of Trustees report, issued late last month. If you don’t happen to have a copy of this jewel sitting around, go to www.ssa.gov/OACT/RT/TR03rtf9-2.htm.

You get Social Security’s projected annual cash flow by subtracting the outgo column from the income-excluding-interest column. This disregards the interest that Social Security pays on its outstanding debt. Because the interest is paid not in cash but in Treasury securities, this year’s $77 billion cash surplus and $88 billion of interest that doesn’t count as a budget expense produces a $165 billion Social Security surplus in the federal budget. This surplus is being pillaged to support huge tax cuts and other government expenses.

Social Security’s cash surplus is projected to peak at $112 billion in 2008 and then start a decline. For 2010, the program is projected at $5 billion. Given that Social Security will be spending more than $1 trillion, the $5 billion is a rounding error, not a margin of safety. By 2013, when the amount collected in Social Security taxes isn’t enough to cover current benefits, the program is projected to run a $25 billion negative cash flow, and the red ink starts to run like a river.

If you subscribe to the school, consisting primarily of politicians, that says we’re okay until 2001 because we can depend on the trust fund, you’re in dreamland. Take a look at the horrific projected cash-flow deficits that lie ahead. By 2009, it’s more than $1 trillion. You think we’re going to spend that kind of money? What are you smoking?

But, you ask, why can’t the trust fund, currently at $1.5 trillion and climbing, be used to fund the cash deficit? Welcome to the wonderful world of Washington math. The federal government putting Treasury securities into a federal trust fund is like you funding your retirement by writing IOUs to yourself. Because you have to convert the IOUs into cash—and having the IOUs on hand doesn’t make it easier for you to come up with cash.

If you put your Social Security into your file drawer to finance your retirement, you’d be fine. You’d depend on the Treasury to redeem its securities; you wouldn’t have to raise the money with your own resources. If Social Security had put your IOU into its trust fund—say, by making you a mortgage loan—it would be fine, provided you paid off your loan. Instead, the government will have to redeem Social Security’s Treasury securities with its own cash, by cutting other spending or raising its official interest rate or borrowing. Exactly what it would have to do if there were no trust fund. So the trust fund, no matter how many trillions in it, isn’t helpful when it comes to paying bills.

The cash-crossover date has been moving forward steadily for five years. Is that a sign that the program won’t run out? No, says Stephen Goss, Social Security’s chief actuary. “The possibility is about 50-50 that the dates will be earlier in next year’s report,” or “not a political numbers teller. He’s a career civil servant who’s a total truth-teller. He said the same things during the Clinton administration that he says now.”

Just as Democrats engage in fantasy when they say the trust fund will protect Social Security recipients, Republicans are engaging in fantasy when they talk about “saving” the program by diverting some Social Security tax payments to individual investment accounts. The idea that low-income people, many of whom are retirees, will roll their accounts into a retirement plan is as appealing an idea as a Democrat becoming president. It is not about Social Security tax payments to individual accounts. The problem is that the Republicans are pushing this solution to ensure that there won’t be money available to cover the shortfall if some Social Security taxes go into accounts rather than being used to pay current beneficiaries. Second, the whole idea of stock-based individual accounts isn’t very social—it’s each person for himself or herself. And these accounts offer no security: If you turned a private account into a lifetime annuity today, you’d get only about half as much per month as you’d have received 50 years ago, because the market and interest rates were much higher then.

The logical solution to Social Security’s long-term problem is to cut benefit growth, increase taxes or both. You could also use general revenue to pay benefits, but then there’d be no limiting the benefit level.

The earlier not feel with the problem, the less pain we’ll inflict. But with Democrats denying there’s a problem and Republicans fantasizing about the stock market solving Social Security’s ills, don’t be waiting for something constructive to happen. You’ll turn blue.

[From the Washington Post, Mar. 25, 2003] NO EXCUSE FOR TAX CUTS

(By E. J. Dionne, Jr.)

Do the leaders of Congress really want to make their branch of government look foolish?

The attention of Americans is focused on the war in Iraq—the successes, the sacrifices, the capture of American fighting men and women, the march on Baghdad.

Congressional leaders should not exploit this moment to push narrow ideological agendas. Ramming through enormous tax cuts when the best way to unite the country or—the phrase is on the lips of every politician—to show our support for the men and women in uniform. At a time of war, we are paying our way, and I think we are witnessing a political Ponzi scheme.

The administration waited until this week to discuss what this war might cost. President Bush aides insisted they didn’t know that they really couldn’t know the price until hostilities began. For some estimates and ranges would have done just fine. The administration, already proposing far too much tax cutting in the face of rising deficits, clearly wanted to avoid putting out numbers that would make the budget picture even worse. The hope was that Congress would just push through budget resolutions containing its $726 billion tax plan.

But once the war started, the fact that it was happening became a rationale for supporting the tax cut. House Speaker Dennis Hastert told his Republican colleagues that it was important not to embarrass the president by cutting back on his tax proposal.

Since the tax plan was losing support among moderates on the merits, Hastert had to haul out the flag. Hastert is saying that to oppose the president on anything right now—even on tax policies that have nothing to do with the war and that make less sense than ever because of the war—is somehow to oppose the war effort. If the speaker really believes that, he should just put the House on hold and let the president’s desires. Who needs a legislative branch?

The Senate, fortunately, is a more complicated place. Republicans hold only 51 of 100 Senate seats, and many of the moderates are restive. Sens. John McCain of Arizona and Lincoln Chafee of Rhode Island think
tax cutting is senseless unless we know more about the costs of war and postwar reconstruction. Sens. Susan Collins and Olympia Snowe of Maine and George Voinovich of Ohio signed on to a letter that set the stage by holding down the size of the reductions.

McCaín has particular standing on this matter because as a supporter of the war as there is in Congress. On this issue, he has been unwavering in standing up for Bush—not one of his favorite people after the bitter 2000 Republican primaries. McCaín is suggesting that conservatives who favor a large American role in the world should put their money where their mouth is and pay for their foreign policy. His logic is simple: the United States is an international actor, and the American people should know what they are paying for. It is a朴素的 to stop pretending and go back to being a country—by which tax cutting is the one and only priority.

If the five Republican skeptics held together, they could put a brake on the mad rush to unaffordable tax cuts. Last week Senate moderates carried a proposal to trim the tax cuts by $300 billion. But it’s not clear that vote will stand, and it’s not enough anyway.

It would take courage for moderate Republicans and Democrats in the Senate to do more. But they would only be matching the courage of moderate and conservative Demo-crats who put their principles above the convenience of voting with a president popular in many of their districts.

Perhaps the most powerful argument in last week’s budget debate came from Rep. Gene Taylor, a solidly conservative Missis-sippi Democrat. Taylor wondered how Congress could be considering policies that would throw today’s costs onto tomorrow’s taxpayers—including the many young Americans now fighting for their country.

"You have 22 million young Amer-icans and their children with that bill," Tay-lor said. "And that’s inexcusable."

It is appropriate to be abstract. But Sen. Kent Conrad, a North Dakota Democrat who heads his party’s contingent on the Budget Committee, makes the essential point. Income and estate taxes were imposed only in revenue emergencies, during the Civil War and the Spanish-American War. Wartime taxation, or the “conscription of wealth,” was required only at times when many citizens were sacrificing their lives, sometimes as soldier proxies for wealthier citizens.

The 1916 estate tax was a fundamentally American response to the excessive inequalities of the Gilded Age and reflected the extraordinary need for war revenue. The top rate of the regressive tariff and excise taxes as pri-mary sources of government revenue. Yet it was given a tremendous push by the U.S. administration in war against Mexico, Spain and other foreign threats.

The 1916 estate tax was a fundamentally American response to the excessive inequalities of the Gilded Age and reflected the extraordinary need for war revenue. The top rate of the regressive tariff and excise taxes as primary sources of government revenue. Yet it was given a tremendous push by the U.S. administration in war against Mexico, Spain and other foreign threats.

In order to pay for World War II, the in-come tax was broadened to many lower-income households. In 1942 Irving Berlin wrote a patriotic song called “I Paid My Income Tax Today” to mark the unprecedented tax increases. The government at the time needed $135 billion to win the war.

Today the lives of some of our citizens are at risk. Others are feeling the pain of the re-cession, losing their jobs, savings and secu-rity. State and local governments, facing the worst budget cut since the end of World War II, are laying off workers and cutting education spending, children’s health care and basic human services.

Rather than facing these problems and appropriating the money to resolve them, con-gressional leaders are using the diversion of war to pass a tax cut for the wealthy that could cost $350 billion or more.

In 1916, Congress paid its war debt. In 1942, Congress passed the GI Bill. Today we must pay for the war—if we had a pay-as-you-go system, you and I would have to pay the bill. In 1942, President Franklin D. Roosevelt is a patriotic song called “I Paid My Income Tax Today” to mark the unprecedented tax increases. The government at the time needed $135 billion to win the war.

I wish they would hear that and lis-ten to me. They have no idea. The in-terest costs, the waste. There has been $300 to $400 billion since voodoo tax cuts. But it has gotten so that now the Republi-cans have taken over, and you can’t run for the Senate unless you promise not to pay—not to pay—the bill. They are taking over in this mi-sma of growth, growth. The only way to get the cuts in the interest costs, the waste. There has been $300 to $400 billion since voodoo.

We could pay for all of these par-ticular needs—there is $80 billion here for the war—if we had a pay-as-you-go system, you and I would have to pay the bill. But they back off onto that deficit bar-ley corn. They have no intent of paying for anything. Tax cuts, tax cuts, says Karl Rove. You have to do it in order to get reelected. And it is a dirty shame. It is a dirty shame.

I have been in government now for 50 years, and I have to say, inmodestly, I have been the longest serving member of the Budget Committee. I have been chairman of that Budget Committee. As Governor of South Carolina, I got the Standard & Poor’s and Moody’s AAA credit rating for our State.

As a Senator, I voted for the bal-anced budget. But we cut the deficit when we were debating the budget resolution a year ago, and now we are asking, with $400 billion in spending, mostly affecting our most vulnerable citizens? Will there be clear domestic eco-nomic winners and losers in the conduct of this war?

Political scientist Michael Lipsky ob-served a year ago that this war “will evi-dently exacerbate the divide between rich and poor.” Wars have had this effect on the United States before, but absolutely without precedent is a push for a windfall tax cut for the wealthy as wartime expenses mount.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Mississipi.

Mr. COCHRAN. Mr. President, the distinguished Senator from South Carolina is one of my best friends. It is always a pleasure to hear him address the Senate on a subject about which he feels strongly and where he is truly an expert. He served as one of the first members of the Budget Committee and helped shape budget policies in Con-gress for many years.

I remember that it seems like last week we were debating the budget resolu-tion that contained provisions relating to assessments about tax policy.
and fiscal policy for the next fiscal year. The Senate had an opportunity to consider and vote on a lot of amendments and provisions in that budget resolution having to do with tax policy.

Of course, we all know that what we are confronted with is a request from the President for funding for supplemental funds for the balance of this fiscal year to help finance the war in Iraq and to help finance Operation Liberty Shield by providing funds to the Department of Homeland Security and the Department of Defense.

While this sense-of-the-Senate resolution offered by the Senator from South Carolina does raise a subject about which we have thought and discussed a good bit in recent weeks, we hope the Senate will approve a motion to table the amendment and continue to work our way through this bill so we can complete action on the appropriations measure tonight if at all possible. We can go to conference with the House and work out differences between their bill and ours and get these funds in the hands of the administration so we can get about the business of protecting the security of our homeland and waging a winning war against terror. That is the purpose of this legislation. We hope the Senate does not get too sidetracked on what our mission is tonight.

I hope Senators will be aware. We called over to the Finance Committee, which has jurisdiction over tax policy, to let them know about the amendment and that we had an opportunity for them, if they wanted to, to come over and speak on the subject. Not having had a request for time, I am prepared to yield time back and proceed to a vote on the Byrd amendment or in relation to the Byrd amendment and then the Hollings amendment.

Mr. President, if there is no problem with that, I yield back the time on this side. I table the Hollings amendment and ask for yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. Mr. President, I will vote not to table the Hollings amendment.

We still do not know how much the war in Iraq will cost, and we do not know how we will pay for those costs.

I have been concerned about the United States shouldering the entire financial burden not only of the ongoing war, but also of the necessary post-war reconstruction. The President has released a list of more than 40 nations that are supporting our effort in Iraq. However, a close look at the nations on that list will show that the overwhelming majority of them are in no position—and have made no commitment—to help pay for the effort.

In comparison, during the 1991 gulf war, our allies paid for 88 percent of the costs of the war. We have no such assurance this time.

Because of this uncertainty, I believe the Senate should be discussing and debating this issue. That is, discussing and debating how we will meet the costs of the war and the costs of reconstruction.

Will we receive contributions from our allies? Will we use revenues from Iraqi oil after the war is over? Will we cut wasteful government spending?

These questions need to be asked and debated. That is why I voted not to table the Hollings amendment. With his amendment, the Senator from South Carolina tried to raise the issue of how we will pay for the war and reconstruction. And, his amendment was intended to force the Senate to debate this issue. I believe we need to have that debate, and that is why I voted not to table the Hollings amendment.

Mr. REID. Mr. President, I ask unanimous consent that the time between the two votes be 10 minutes; the second vote be 10 minutes.

The PRESIDING OFFICER. Is there an objection?

Mr. COCHRAN. There is no objection on this side.

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

Mr. REID. I don't know if the Senator from Mississippi can answer this question. The Senator from Louisiana had talked to Senator STEVENS' staff and Senator STEVENS on the amendment. We will work on this during the vote.

Mr. COCHRAN. My understanding is Senator STEVENS wanted an opportunity to talk about that.

Mr. REID. We will go ahead and start the vote then.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Byrd amendment, No. 508. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. COCHRAN. There is no objection.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING) would vote "yes."

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye."

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

The result was announced—yea 79, nay 18, as follows:

[Roll Call Vote No. 120 Leg.]

YEAS—79

Alexander
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Brownback
Burns
Campbell
Chambliss
Casey
Chafee
Chambliss
Collins
Conrad
Cornyn
Craig
Cromyn
Crutchfield
DeWine
Dole
Dorgan
Durbin
Eikenberry
Edwards
Enzi
Enquist
Feingold
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Gregor
Hagel
Harper
Hatch
Hutchison
Inhofe
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sulzburger
Talent
Thomas
Voinovich
Warner
Yeck

NAYS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Domenici
Ensign
Erie
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harrington
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 479

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Hollings amendment, No. 479.

Mr. COCHRAN. I ask for the yeas and nays if they have not been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING) would vote "yes."

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye."

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

The result was announced—yea 79, nay 18, as follows:

[Roll Call Vote No. 120 Leg.]

YEAS—51

Alexander
Allen
Baucus
Bayh
Bennett
Brownback
Burns
Campbell
Chambliss
Collins
Cornyn
Craig
Chafee
Chambliss
Crutchfield
DeWine
Dole

NAYS—11

Bailey
Baucus
Bingaman
Boren
Brownback
Burns
Campbell
Chambliss
Chambliss
Collins
Cornyn
Craig
Chafee
Chambliss
Crutchfield
DeWine
Dole
Hagel
Hatch
Hutchison
Inhofe
Johnson
Kasich
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sulzburger
Talent
Thomas
Voinovich
Warner
Wyden

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.
The motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. I now yield to the Senator from South Carolina.

Mr. HOLLINGS. I ask unanimous consent that the distinguished Senator from South Carolina be added as a co-sponsor on that amendment.

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

The Senator from South Carolina.

Mr. STEVENS. Mr. President, I ask unanimous consent that when Senator SCHUMER offers his first-degree amendment regarding first responders, upon the reporting of the amendment it be set aside and Senator SPECTER be recognized to offer a first-degree amendment on the same subject: that the amendments be debated concurrently with a total of 30 minutes of debate to be controlled by Senator SCHUMER and Senator SPECTER—actually, I asked my colleague to yield me 5 of those minutes—or their designees, and that no amendment be in order to either amendment prior to a vote in relation to each amendment; upon the use or yielding back of time, the Senate proceed to a vote in relation to the latter amendment to be followed immediately by a vote in relation to the Schumer amendment.

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

Mr. BYRD. Mr. President, I would like to inquire as to whether or not, in the opinion of the distinguished manager of the bill, we might be able to finish action by no later than 9 o'clock?

Mr. STEVENS. Mr. President, we are doing everything we can. I thought we were going to finish by 5:30 but we are having votes that we might otherwise not have had if we proceeded with the agreements we had previously. But we are doing our best to be finished. My feeling is this vote will take place at about 7:30, between 7:30 and 7:35. After that, we are inquiring to see how many more votes. There are two votes, actually.

If it would be in order, I ask the second vote be 10 minutes. I ask unanimous consent that the second vote on this sequence to come be 10 minutes in length.

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

Mr. STEVENS. We will do everything we can to shorten the time.

Mr. REID. I would say, if I could, if the Senator would yield, through the Chair, I think we have a real good opportunity of finishing the bill quickly after these two votes. We will need cooperation of both sides but I think we can do that.

Mr. SPECTER addressed the Chair. The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I send my amendment to the desk. I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. STEVENS. Senator, I don't think the Schumer amendment is there yet.

Mr. SCHUMER addressed the Chair. The PRESIDING OFFICER. The order provides that the Schumer amendment be called up first.

The Senator from New York.

AMENDMENT NO. 514

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mrs. CLINTON, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. KENNEDY, Ms. MUKULSKI, Mr. BINGMAN, Mr. NELSON of Nebraska, Mr. LEAHY, Mr. BAUCUS, Mr. AKAKA, and Mr. SARBANES, proposes an amendment numbered 514.

That up to 20 percent of the amount made available under the second proviso shall be for costs of law enforcement, fire, emergency management services, and medical personnel, including overtime expenses and reimbursement of States (in addition to personnel costs related to training), local governments, and Indian tribes for additional costs incurred to replace first responders who are called to active duty in the Reserves for periods of not less than 6 consecutive months: Provided further, That $500,000,000 shall be for personnel costs of States and units of local government, subject to the minimum grant amount requirement of section 1016 of the USA PATRIOT Act of 2001 (Public Law 107-56), the requirement that remaining amounts be distributed on a per capita basis, for enhanced security around critical infrastructure assets that are defined in section 1016 of the USA PATRIOT Act of 2001 (Public Law 107-56), the Office shall transfer funds for periods of not less than 30 days after the date of enactment of this Act, and not less than 50 percent of such funds made available to each State shall be made available to units of local government within 30 days of receipt.

For additional amounts under the Acts referred to in the preceding paragraph for high threat urban areas, which should be identified by criteria that include credible threat, vulnerability, the presence of infrastructure of national importance, population, and needs of public safety organizations, for the purchase of equipment, including interoperable communications equipment, and to provide training, exercise, planning, and personnel funds to State and local first responders: Provided further, That the Office for Domestic Preparedness (referred to under this heading as the 'Office') shall transfer funds for such grants to States not later than 30 days after the date of enactment of this Act, and not less than 80 percent of funds made available under this proviso shall be made available to units of local government based on population within 30 days of receipt by the State: Provided further, That up to 20 percent of the amount made available under the first proviso shall be for costs of law enforcement, fire, emergency management services, and medical personnel, including overtime expenses and reimbursement of States (in addition to personnel costs related to training), local governments, and Indian tribes for additional costs incurred to replace first responders who are called to active duty in the Reserves for periods of not less than 6 consecutive months: Provided further, That $500,000,000 shall be for personnel costs of States and units of local government, subject to the minimum grant amount requirement of section 1016 of the USA PATRIOT Act of 2001 (Public Law 107-56), the requirement that remaining amounts be distributed on a per capita basis, for enhanced security around critical infrastructure assets that are defined in section 1016 of the USA PATRIOT Act of 2001 (Public Law 107-56), the Office shall transfer funds for periods of not less than 30 days after the date of enactment of this Act, and not less than 50 percent of such funds made available to each State shall be made available to units of local government within 30 days of receipt.

For additional amounts for the Office for Domestic Preparedness, Department of Homeland Security, by paragraph 1014 of the USA PATRIOT Act of 2001 (Public Law 107-56), for an additional amount, $130,000,000, which shall be transferred to, and merged with, funds in the 'Community Oriented Policing Services, Department of Justice', appropriations account for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, for the hiring of law enforcement officers, personnel, including overtime expenses (in addition to personnel costs related to training), for terrorist and other violent and drug-related crimes, of which up to 30 percent shall be available for overtime expenses.
The amendment is as follows:

(Purpose: To increase funds for protection and preparedness of high threat urban areas under the Office of Domestic Preparedness)

On page 37, line 10, strike “$2,000,000,000” and insert in lieu thereof “$2,200,000,000”.

On page 37, line 12, strike “$1,420,000,000” and insert in lieu thereof “$1,270,000,000”.

On page 37, line 17, strike “$450,000,000” and insert in lieu thereof “$300,000,000”.

On page 37, line 23, strike “$100,000,000” and insert in lieu thereof “$600,000,000”.

Mr. SPECTER. Mr. President, the essence of my amendment is to provide additional funds for high threat urban areas. This amendment would add an additional $500 million over the $100 million currently contained in the bill for the protection or preparedness of high threat urban areas.

This increase would be achieved with $200 million in additional funds added to the supplemental appropriations bill, and a reduction of $300 million in State and local grants for other accounts in the Office of Domestic Preparedness.

The amendment which has been submitted by the Senator from New York would increase the appropriation for the Office of Domestic Preparedness from $2 billion to $4.3 billion. My amendment would increase the appropriation from $2 billion to $2.2 billion. And while there is no doubt the high threat urban areas and the Office of Domestic Preparedness could use additional funds, the fact is, that increase of more than $200 million which is in my amendment would, in effect, tend to break the bank.

The distinguished manager of the bill, Senator Stevens, is trying to keep this bill within $80 billion, and that can be accommodated with the addition of $200 million.

The urban areas have very substantial risks involved. In very brief summary, the city of Philadelphia has had expenses of almost $30 million annually.

Mr. President, I ask unanimous consent that a letter dated April 2 from Mayor John Street to me be printed in the Record at the conclusion of my remarks.

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

Mr. SPECTER. Similarly, the City of Pittsburgh has had increases in expenditures for the years 2001 and 2002 in excess of $10 million.

Mr. President, I ask unanimous consent that chart be printed in the Record.

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

ADDITIONAL CITY HOMELAND SECURITY SPENDING DUE TO WAR/HIGH ALERT

<table>
<thead>
<tr>
<th>City and state</th>
<th>Cost/Week (Est.)</th>
<th>Population</th>
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<tbody>
<tr>
<td>New York City, NY</td>
<td>65,000,000</td>
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<tr>
<td>San Francisco, CA</td>
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<td>Los Angeles, CA</td>
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<td>Portland, OR</td>
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