Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), and the Senator from Vermont (Mr. JEFFORDS), are necessarily absent.

I further announce that if present and voting, the Senator from Delaware (Mr. BIDEN) would vote ''yea.''

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 135 Ex.]

YEAS—96

| | | |
|---|---|---|
| Akaka | Dole | Martinez |
| Allard | Domenici | McCain |
| Allen | Dorgan | McConnell |
| Baucus | Durbin | Mikulski |
| Bayh | Ensign | Murray |
| Bennett | Enzi | Nelson (FL) |
| Bingaman | Feingold | Nelson (NE) |
| Bond | Feinstein | Obama |
| Boxer | Frist | Pryor |
| Brownback | Graham | Reed |
| Bunning | Grassley | Reid |
| Burns | Gregg | Roberts |
| Burr | Hagel | Rockefeller |
| Byrd | Harkin | Salazar |
| Cantwell | Hatch | Santorum |
| Carper | Hutchison | Sarbanes |
| Chafee | Inhofe | Schumer |
| Chambliss | Inouye | Sessions |
| Clinton | Isakson | Shelby |
| Coburn | Johnson | Smith |
| Cochran | Kennedy | Snowe |
| Coleman | Kerry | Specter |
| Collins | Kohl | Stabenow |
| Conrad | Kyl | Stevens |
| Cornyn | Landrieu | Sununu |
| Corzine | Lautenberg | Talent |
| Craig | Leahy | Thomas |
| Crapo | Levin | Thune |
| Dayton | Lieberman | Vitter |
| DeMint | Lincoln | Voinovich |
| DeWine | Lott | Warner |
| Dodd | Lugar | Wyden |

NOT VOTING—4

| | |
|---|---|
| Alexander | Jeffords |
| Biden | Murkowski |

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

The majority leader.

## ORDER OF PROCEDURE

Mr. FRIST. Mr. President, pursuant to the order of May 24, I ask unanimous consent that at 2:30 p.m. on Monday, June 13, the Senate proceed to the Griffith nomination as provided under the order; provided further that following the use or yielding back of time, the Senate resume legislative session and the vote occur on the confirmation of the nomination at 10 a.m. on Tuesday, June 14.

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

Mr. FRIST. I ask unanimous consent that on Tuesday, immediately following the vote on the Griffith nomination, the Senate proceed to the consideration of H.R. 6, the Energy bill; provided further that the chairman be recognized in order to offer the Senate-reported bill as a substitute amendment, the amendment be agreed to and considered as original text for the purpose of further amendment.

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

Mr. FRIST. I ask unanimous consent that at 6:30 p.m. on Monday, June 13, the Judiciary Committee be discharged from further consideration of S. Res. 39 and the Senate proceed to its immediate consideration. I further ask unanimous consent there be 3 hours for debate with the time equally divided and controlled between Senators LANDRIEU and ALLEN or their designees, and upon the use or yielding back of time, the Senate proceed to a vote on the adoption of the resolution without intervening action or debate. I ask unanimous consent that upon adoption, the preamble then be agreed to, and the motion to reconsider be laid upon the table.

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

## MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

## FUNDING FOR HOMELAND SECURITY

Mr. GREGG. Mr. President, I rise to speak a little bit about the Department of Homeland Security. I have the good fortune to chair their appropriations committee, and we will be marking up the appropriations bill relative to that agency next week, hopefully, if we can straighten out the proper allocations for funding within the budget, which I expect to happen today under the leadership of Chairman COCHRAN.

The Homeland Security Department is a big one because, of course, this goes to the essence of how we protect ourselves as a nation, how we make sure that we are ready should we be attacked, and how we, hopefully, make it possible for us to avoid such an attack. Regrettably, the Department of Homeland Security has been thrown together and has had some problems as it has tried to shake out in the post-9/11 world.

In fact, the problems have been so extreme that almost a day does not go by that we do not see an inspector general report or a GAO report outlining some function of that agency which simply is not working correctly. Today, there was a report where the inspector general found that there were no backup computer systems within the Department for some of the critical agencies that are involved, but that is only one of literally a stack of GAO and inspector general reports which probably is 2 or 3 feet high.

There is a lot to do in this agency. Certainly, I congratulate the President on bringing aboard Secretary Chertoff. I know he is a hard-driving and committed individual, and I know he is going to try to put together programs which will get that agency focused and functioning in a manner in which the American people expect.

As we look at the agency, however, I do think we have to be driven by a certain theory or theme, a set of policies. The first is that we address threat first and that we start with the highest threats as being the first threats which we should focus on. Of course, the highest threats are weapons of mass destruction coming into the country or being developed in the country which would be used against American citizens.

Those weapons involve things such as chemical or biological weapons or potentially some sort of nuclear device. So we must prepare ourselves and focus that Department on making sure that it is ready to deal with those types of threats.

Some of the responsibility for making ourselves adequately prepared in the area, especially biologics, falls outside the Department and falls with the CDC or HHS—the Health and Human Services Department—which have responsibility for developing vaccines. NIH, for example, National Institutes of Health, has the responsibility for making sure that we are on course to bring on line adequate responses should we be attacked with a biological weapon such as anthrax, a plague or botulism.

The Department still has a huge role in this area, and it obviously has a role in the nuclear area of detection and making sure that we are ready to try to anticipate and stop a weapon of that sort. Below that level of addressing the weapons of mass destruction issues, we have to look at the other areas of threat and how we as a government are structured to handle it.

There was a report today that the President of the United States, in a meeting with the leadership of the House at least, and maybe the Senate, said that he thought we should be focusing on border security as a priority in the area of maintaining our security as a nation. I think that is absolutely true. Most Americans today wonder why there are still literally tens of thousands, maybe hundreds of thousands of people coming across our borders, entering this country illegally.

A lot of other Americans wonder why today there is so much happening in the area of people coming into the country without us knowing what their purposes are or what their potential threat is as individuals. There is concern about our capacity to screen folks who are coming into this Nation who may have as one of their purposes to do us harm. We need to strengthen our ability to stay on top of this situation.

There is significant concern about what is happening within our ports and whether we are putting in place systems which adequately review and give us the capacity to address what might be in a container in one of the hundreds of thousands of containers that

come into this country on a daily basis. So this is an area of high priority. If this report is correct, it is very good that the President has decided to put significant focus on the issue of border security beyond what was obviously energy that was being put into that effort to begin with anyway.

There is no question there has been significant effort in this area, but it needs a lot more effort, and that brings me to what we are planning to do with the appropriations bill. I want to lay out a bit of a precursor to that bill so people will know what is coming and can anticipate it.

Basically, what we intend to do is reorient, to the extent we can, funds within the moneys we have available to us for the Department of Homeland Security to focus on border security because we consider that—or I happen to consider—after we go below the weapons of mass destruction issue, to be the most significant area of need from the standpoint of protecting our national security and making sure that we are able to manage our national security.

Unfortunately, the proposal that came up to us from the administration prior to this recent discussion which occurred at the White House yesterday or the day before did not put the type of resources or focus on that Department that was necessary within the context of the entire Homeland Security Department. As a result, in order to accomplish that within the dollars we have—and the dollars are going to be fairly significant because the chairman of the Appropriations Committee, I believe, has stated not publicly yet but has at least implied that he intends to fund aggressively this activity of the Federal Government because he understands the importance of the security of our Nation. He used to be chairman of this subcommittee and certainly knows its needs. So he is going to give us an allocation which is fairly significant. Within that allocation we do intend to reform and restructure so that we are putting more money into homeland security.

That is going to mean that other accounts we might want to have funded at a higher level are not going to be funded at quite so high a level. We are going to set priorities. My view of how we fund the issue of protecting our national security is that we address the issue of threat, pick the highest threat, and fund responses to that threat. After the issue of weapons of mass destruction, the highest threat is our failure to manage our borders; thus, we are going to put more money into that. That means we will have to take money from accounts which are not necessarily going to make those folks happy in those accounts, but it is necessary if we are going to adequately fund this area.

It is a two-step effort, really. First, we have to put on the border the necessary capability to have a reasonable review of who is coming into the country and what is coming into the country. Today, we do not have that capacity. Within that effort we need to have not only people, but we need to have infrastructure in the form of technology capability and in the form of physical plant capability.

Secondly, we have to have a program in place as a nation which does not create an incentive for people to come into the country illegally. That gets into this whole question of guest worker. My Appropriations Committee may not have that jurisdiction. We would love to have that jurisdiction. We have it marginally, but that is an authorizing exercise, and maybe it will be debated on this bill. But, in any event, we are going to focus on that first part where we do have jurisdiction, which is we are going to significantly tool up our physical and personnel capabilities and our technology capabilities in order to try to address border security at the first level, which is a question of having the people and the resources on the borders, in the ports, in order to effectively manage our borders.

This is not an overnight event. This has been attempted before and it has been singularly unsuccessful. When I had responsibility for Immigration and Border Patrol in the prior committee that was moved over from the Justice Department when they had the Justice Department responsibility moved over to Homeland Security, we were in the midst of trying to gear up the number of Border Patrol agents and we made a commitment to add literally thousands of Border Patrol agents over a series of years. Unfortunately, the Border Patrol first was not able to recruit the people at the price we were willing to pay them because the people were required to be bilingual and actually had talents that in the marketplace could command more than we were willing to pay them, and second, we did not have the training facilities, so we ended up never reaching the increase in numbers of Border Patrol we need in order to effectively address the border.

We are going to try again. The Border Patrol told us the number they think they can train up in a year. We are going to give them more training capacity so in later years we can train more people. We are going to put in pay scales—we already have—that will make it a more attractive job. And we are going to start to hire people who can do the job effectively at fairly significant numbers.

On top of that, we have to do other things. There is within the Department of Homeland Security a program called US-VISIT, about which I have serious misgivings. It is a massive computer undertaking. I have seen these before in other agencies and my sense is this computer initiative is not going well and is not evolving the software and hardware capabilities necessary. We are going to try to focus on that and hopefully turn that corner so that program will in the end be an asset, so we will know who is coming in the country.

There is other work we need to do. We need to increase the number of detention beds. We need to increase the number of people who are doing the prosecution of detainees. We need to increase the capability, the physical plant capacity of the Border Patrol and the Immigration and Customs officers. We need a lot of physical plant and people and technology and we are going to take from other accounts to try to accomplish that as we move this Homeland Security bill forward.

I am putting people on notice that this is the direction we are going. It is my opinion as we move this bill across the floor there should be and will be a lot of interest in this area because securing our borders is, as the President has stated at least indirectly, through hearsay as presented by the leadership of the House, a priority on which it is time we focused like a laser beam and took some action.

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

Mr. GREGG. I am happy to yield to the Senator from Alabama for a question, or I will yield the floor.

Mr. SESSIONS. I am very pleased the Senator from New Hampshire, Mr. GREGG, is chairing this important committee. He has had a large number of years of intense interest in improving homeland security.

I am not sure he is aware, but yesterday there was a hearing in the Judiciary Committee on the Joint Terrorism Subcommittee and the Immigration Subcommittee. It dealt with people coming into the country illegally, people who were other than Mexicans, on the Mexican border. The story, as described by a reporter in a newspaper article of early May, said that a group—for example, in this case 20 from Brazil—came across the border, looked for the Immigration Border Patrol people, and immediately went up to them and turned themselves in to them. They were taken into some form of custody, placed in some form of transportation, transported further into the country, and then released on their own recognizance. Of the 8,908 notices to appear that the immigration court in Harlington issued to non-Mexicans, 8,767 of them never showed up when they were supposed to come to court.

First, I would note there are a lot of people other than our Mexican neighbors who are coming across that border. Second, there were some plans to expedite removal to these other countries, which is somewhat difficult. Maybe one-fifth of these are being handled in the more expedited and effective way. But I wanted to share that with the Senator. I ask if he thought the committee would be responsive to requests from the Administration to fund those expedited programs, because what we are doing now is not effective at all.

Mr. GREGG. The Senator from Alabama has pointed to one of the many

anecdotal but glaringly difficult instances that should cause us all concern. We are hearing anecdotal information that the Border Patrol is finding material that is clearly written in Arabic, and is clearly Islamic fundamentalist, at the border. People have left it there or it has been left behind by people coming across the border, it appears. So that is obviously an extreme concern.

But your story reflects the fact that these borders are simply not controlled and we don't have the capacity to handle the people when we do catch them. That is going to take a rethinking of the effort. It is going to take a lot of resources. As we move forward as a Congress, we have to think about: Are we putting too many resources in other accounts when we should be focusing on the border? I will take two examples.

One is TSA, our transportation security, which we see in our airports. How many people can we afford there versus the border? The first responder funds that are going out not necessarily on the basis of threat but on the basis of formula, can we afford that in light of the fact we have a threat, which is the border, or should we take another look at other approaches to funding a significant increase in the border security effort?

I look forward to working with the members of the Judiciary Committee. Our role is the money role. We look to you folks to give us the authorizing leadership, which I know you have in the past. You certainly have and certainly other members in your committee are leaders in this area. We look forward to any ideas or thoughts you have which you want to bring forward.

I do think on this bill we should have a fairly open and substantive debate as to how we are going to move forward on the issue of border security. Clearly the White House is committed to this. It is going to take resources.

Mr. SESSIONS. I thank the Senator, also the Chair of the Budget Committee. He answered very well when he said we can't always fund the new things we want to do by pumping new money into them. Sometimes we need to ask ourselves if there is not some money being spent in a way that is less useful, and utilize that money where we have to utilize it.

I am proud to serve with him on that Budget Committee.

## THE TEACHER EXCELLENCE FOR ALL CHILDREN ACT OF 2005

Mr. DURBIN. Mr. President, good teachers lead to good students. In fact, recent evidence suggests that providing great teachers may be the single most important thing that we can do to give our children the good education they deserve.

Most of our teachers are hardworking, selfless, and dedicated to helping our children learn. We are asking them for more, however. We continue to demand that our teachers develop greater subject matter expertise, but we have yet to figure out how to help teachers learn while they are still needed in the classroom full time. In addition, to meet growing student need we will need to bring over 2 million new teachers into our public schools over the next decade.

We must attract, develop, and retain as many talented teachers as we can muster. We must act now to begin meeting this critical national crisis.

That is why I am proud to introduce with Senator KENNEDY the Teacher Excellence For All Children Act of 2005. The TEACH Act provides financial incentives to attract and retain our best teachers and principals. The TEACH Act helps schools recognize and reward the best teachers. The TEACH Act encourages good teachers to work in the schools that need good teachers the most, and it also encourages teachers to specialize in the subjects which need the most teachers. Finally, the TEACH Act helps new teachers transition into the classroom, it helps veteran teachers keep their skills sharp, and it attracts talented new principals into our schools.

Developing great teachers takes time, but this is an investment that we as a nation must make. I therefore encourage my colleagues to support the TEACH Act now. Our children deserve nothing less.

## FAMILIES OF SEPTEMBER 11'S FINAL REPORT

Mr. LEAHY. Mr. President, less than 2 weeks after the horrific events of September 11, Congress passed a law to establish the September 11 Victim Compensation Fund, providing assistance to victims and their families during an unimaginably difficult time. I was pleased to work with my colleagues to create this needed resource for the families of this national tragedy. The families of victims that died in the September 11 attacks also came together and created their own nonprofit organization, Families of September 11.

Although no amount of compensation can replace a lost loved one, Families of September 11 and Ken Feinberg, the Special Master in charge of overseeing the Fund, worked diligently to improve the rules governing the September 11 Victim Compensation Fund, to give the victims and their families more flexibility and to provide information to victims and their families about how and where they could find support. Working together, Mr. Feinberg and Families of September 11 reached out to the victims and their families to make sure they understood their rights and to assist them in filing their claims. This task was made all the more difficult because many victims and survivors of those terrorist attacks had to confront the logistical burden and emotional pain of filing a death or injury claim.

Last October, Mr. Feinberg submitted to the Department of Justice a final report summarizing the accomplishments and work of the September 11 Victim Compensation Fund. While the September 11 Victim Compensation Fund has reached its final deadline, Families of September 11 continues its mission, including supporting legislation on security and intelligence reform. This week, Families of September 11 also submitted a final report to the Department of Justice, sharing the experiences of the victims and their families, including those who chose not to participate in the September 11 Victim Compensation Fund. The report in its entirety may be read at http://www.familiesofseptember11.org.

Mr. President, I ask that a copy of the Executive Summary of this report be in the RECORD for lawmakers and the public to review.

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

EXECUTIVE SUMMARY: FINAL REPORT OF FAMILIES OF SEPTEMBER 11 ON THE SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

Families of September 11 is a nonprofit organization founded in October 2001 by families of those who died in the September 11 terrorist attacks. We gather and disseminate helpful information, refer victims' families, survivors, and others affected by the events of 9/11 to assistance providers, offer online chat sessions, and address such issues as victims' assistance, methods of response to trauma from terrorist attacks, and the effects of terrorism on children. We support public policies that effectively respond to the threat of terrorism, including support for the 9/11 Commission Recommendations, development of appropriate agency procedures, legislation related to aviation, border, port and transportation security, and intelligence reform.

Our Final Report on the September 11th Victim Compensation Fund follows the format of ''Final Report of the Special Master for the September 11th Victim Compensation Fund of 2001.'' Just as the Special Master's Final Report provides the perspective of the administrator of the Fund, our Report gives voice to those victims and family members who participated in the Fund as well as those who elected not to. Although much of our report serves as counterpoint to the Special Master's observations and conclusions, we agree with much of what is said in his report and our Report should be read with an acknowledgement that the Special Master was asked to and did construct a program in extremely difficult circumstances. The enabling legislation that created the Fund was hastily crafted, imprecise in significant ways, and sometimes internally inconsistent. The Special Master was faced not only with the uncertain nature of the legislation, but with a host of other competing influences: e.g., the enormity of the losses, emotionally overwhelmed victims and families, a stunned public, and conflicting compensation policy ideologies. The Special Master and those who worked with him deserve great credit for their tireless and devoted work under these daunting circumstances, particularly in the administration of the Fund after promulgation by the Department of Justice of the Final Rules.

In many respects, the Fund was a success. Much of this success was due to the efforts of the Special Master and his staff in meeting with individual family members, demonstrating flexibility where possible in making determinations of awards, and expressing