

lines, in direct disobedience of State laws, for the purpose of undergoing a life-altering abortion.

In many cases, only a girl's parents know her prior medical and psychological history, including allergies to medications and anesthesia.

The harsh reality is our current law allows for parents to be left uninformed about their underage daughter's abortion, which can be devastating to the physical and mental health of the child.

Parental notification serves another vital purpose—ensuring increased protection against sexual exploitation of minors by adult men.

All too often, our young girls are the victims of the predatory practices of men who are older, more experienced, and in a unique position to influence the minor's decisions.

According to the American Academy of Pediatrics, "almost two-thirds of adolescent mothers have partners older than 20 years of age."

Rather than face a statutory rape charge, these men or their families use the vulnerability of the young girl against her, exerting pressure on the girl to agree to an abortion without talking to her parents.

In fact, in a survey of 1500 unmarried minors having abortions without their parents' knowledge, 89 percent said that a boyfriend was involved in the decision.

The number goes even higher the younger the age of the minor.

Allowing secret abortions do nothing to expose these men and their heinous conduct.

In the unfortunate instance of abuse or where there is rape or incest involved within a family, minors may be afraid to go to one of the parents. In response, judicial bypass laws have been written across the country to protect the minor.

This legislation is a commonsense solution to defeat the legal loophole that currently results in parents being denied the right to know about the health decisions of their minor daughters—a fact which the Supreme Court upheld in *Planned Parenthood v. Casey*, which states, that it is the State's right to declare that an abortion should not be performed on a minor unless a parent is consulted.

This is not an argument on the merits of abortion; rather, this is a debate about preserving the fundamental right of parents to have knowledge about the health decisions of their minor daughters.

Parental permission is so important because parents are the most intimately involved people in their children's lives.

We cannot allow another young girl's life to be irreparably damaged because of a legal loophole that keeps parents from being involved in one of the most major decisions their daughter may make in her life.

It is time for Congress to step up and commit to protecting our daughters by

assuring that a parent's right to be involved is protected.

Mr. MCCAIN. Mr. President, I am a proud cosponsor of S. 403, the Child Custody Protection Act. This bill has strong bipartisan support as illustrated by its vote of 65 to 34 that occurred in July. Unfortunately, due to political maneuvers by its opponents, the enactment of this critical legislation is being blocked.

This is one of the most important pieces of legislation to be considered during the 109th Congress. Why is this legislation so important? Because despite the fact that 23 States require a minor to receive parental consent prior to obtaining an abortion, these important laws are being violated. Today, minors, with the assistance of adults who are not their parents, are being transported across State lines to receive abortions without obtaining parental consent. We must end this circumvention of State laws and, more importantly, the consequences such actions have on life.

S. 403 would make it a Federal offense to help a minor cross lines for the purpose of obtaining an abortion, unless it is needed to save the life of the minor. Its enactment is critical, and we cannot allow its opponents to continue to stall needlessly its progress.

Earlier this month, I joined with 40 of my colleagues in urging the majority leader to take action to enable this legislation to continue through the legislative process. The leader has now taken such action. On Wednesday, a cloture motion was filed to break the opponents logjam, and I applaud and support this action. We must do all that we can to move this critical legislation to the President's desk.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, under rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to S. 403: a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

Bill Frist, John Ensign, Tom Coburn, Craig Thomas, Jim DeMint, Wayne Allard, Mitch McConnell, Trent Lott, Jim Bunning, Conrad Burns, Ted Stevens, Johnny Isakson, John Cornyn, Jeff Sessions, Larry Craig, Mike Crapo, John Thune.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the amendment of the House to S. 403, the Child Custody Protection Act, shall be brought to a close.

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

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

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

The yeas and nays resulted—yeas 57, nays 42, as follows:

[Rollcall Vote No. 263 Leg.]

#### YEAS—57

Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Frist	Pryor
Brownback	Graham	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Santorum
Burr	Hagel	Sessions
Byrd	Hatch	Shelby
Chambliss	Hutchison	Smith
Coburn	Inhofe	Stevens
Cochran	Isakson	Sununu
Coleman	Johnson	Talent
Cornyn	Kyl	Thomas
Craig	Landrieu	Thune
Crapo	Lott	Vitter
DeMint	Lugar	Voinovich
DeWine	Martinez	Warner

#### NAYS—42

Akaka	Dorgan	Menendez
Baucus	Durbin	Mikulski
Bayh	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Harkin	Obama
Boxer	Inouye	Reed
Cantwell	Jeffords	Rockefeller
Carper	Kerry	Salazar
Chafee	Kohl	Sarbanes
Clinton	Lautenberg	Schumer
Collins	Leahy	Snowe
Conrad	Levin	Specter
Dayton	Lieberman	Stabenow
Dodd	Lincoln	Wyden

#### NOT VOTING—1

Kennedy

The PRESIDING OFFICER. On this question, the yeas are 57; the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mrs. BOXER. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 5441, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5441) "making appropriations for the Department of Homeland Security for the fiscal year ending September 30th, 2007, and for other purposes", having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the

Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 28, 2006.)

## SECTION 550

Mr. VOINOVICH. Mr. President, I rise to engage in a colloquy with my good friends, Senator PRYOR, Senator DOMENICI, and Senator WARNER. To my colleagues, it is my understanding that a question as to the intent of the chemical facility security provision has arisen. Senator PRYOR, in your view, what is the meaning of section 550 with respect to its effect on State laws or rules?

Mr. PRYOR. I thank the Senator from Ohio for raising this important question. Section 550 does not contain any language regarding its preemptive effect. I know there have been some in the other House who believe that this silence means the legislation would have no effect on State or local attempts to regulate chemical security—in other words, that it gives them a green light to go farther. I want to state clearly my belief to the contrary. As we all know, under well-established Supreme Court precedent, a Federal law that is silent in this way can still occupy the field and impliedly preempt any State legislation on the same topic. Historically, Congress has done so in the security area, whether it be nuclear security or aviation security.

Mr. VOINOVICH. I thank Senator PRYOR for his statement because I agree with it. I know my good friend from Virginia, Senator WARNER, also has views on this. Senator WARNER, in your view, what is the meaning of section 550 with respect to its effect on State laws or rules.

Mr. WARNER. I also thank the Senator from Ohio for raising this important question. I concur with the assessment of my good friend from Arkansas regarding the preemptive effect of this chemical facility provision. As the Senator noted, there is strong Supreme Court precedent regarding the implied preemption of State laws, especially as it relates to homeland security, homeland defense, and national security. There are several examples of statutes that remain silent with regard to the effect on State laws and it has been my belief throughout the entire debate on chemical security legislation that this precedent should hold true if we did not explicitly speak to the issue to State preemption.

Mr. VOINOVICH. I thank Senator WARNER for his statement. I strongly agree with the assessment that Congress and the Federal Government have the duty to provide for the security of our States and our people. Further, the importance of a single, integrated set of comprehensive national standards is vital to the security of this sector. I see my good friend from New Mexico here as well. I ask the Senator from

New Mexico if he has further views on the meaning of section 550 with respect to its effect on State laws or rules.

Mr. DOMENICI. I thank the Senator from Ohio for this important discussion. I also concur with the assessment of my colleagues, Senator PRYOR and Senator WARNER. This issue was discussed at length before the Committee on Homeland Security and Governmental Affairs. The effect of silence on the chemical security language in question is clear. Federal law that is silent in this way can still occupy the field and impliedly preempt any State legislation on the same topic. Further, the precedence for Federal preemption in regulatory matters dealing with security is clear. In the interest of national security, the Nuclear Regulatory Commission was created to oversee the nuclear facilities. Given the importance of this critical infrastructure and the clear national security concerns, the Federal Government has exclusive regulatory authority. I concur with my colleagues who have noted that in matters of national security the Federal Government should perform its constitutional duty to defend the homeland.

Mr. VOINOVICH. I thank my good friend from New Mexico for his comments, and I strongly agree with his assessment. It is the Federal Government's preeminent role when it comes to matters of national security to set a uniform set of rules with which the regulated community must comply. I feel strongly that this provision sets that uniform set of rules and in so doing, impliedly preempts further regulation by State rules or laws.

## WARNING, ALERT, AND RESPONSE NETWORK ACT

Ms. COLLINS. Mr. President, I rise to ask my colleague from Alaska about the Warning, Alert, and Response Network Act, or WARN Act, that is part of the SAFE Port Act that is before the Senate. The WARN Act will authorize a wireless alert capability to provide citizens with emergency alerts on their wireless devices. This is an important enhancement to the emergency alert system that FEMA currently operates. I would note that the language in the WARN Act does not alter FEMA's role in the emergency alert system. It is my understanding that this language directing the FCC to develop the wireless capabilities will not interfere with the Homeland Security and Governmental Affairs Committee considering and reporting legislation next year to further clarify FEMA's role with respect to the emergency alert system and new technologies. Is that correct?

Mr. STEVENS. The Senator's understanding is correct. The Parliamentarian's office has indicated to my staff that the wireless alert capability language in the act does not preclude the Homeland Security and Governmental Affairs Committee from considering legislation next year to address FEMA's role with respect to the emergency alert system, and I commit to working with you to develop a bill that

will set forth FEMA's role with respect to new emergency alert capabilities.

Ms. COLLINS. Thank you, Senator. I look forward to your support in addressing FEMA's role in the emergency alert system in legislation next year.

## WESTERN HEMISPHERE TRAVEL INITIATIVE

Mr. LEAHEY. Mr. President, I rise today for the purpose of engaging in a colloquy with my colleagues from the Senate Homeland Security Appropriations Subcommittee, Senator STEVENS, Subcommittee Chairman GREGG and Subcommittee Ranking Member BYRD. We would like to discuss the intent of section 546 of the fiscal year 2007 Department of Homeland Security Appropriations conference report regarding the Western Hemisphere Travel Initiative, WHTI.

In 2004, Congress passed and the President signed into law the Intelligence Reform and Terrorism Prevention Act, which included a provision creating WHTI as a means of better securing our borders. The provisions require that all individuals, including U.S. citizens, present a passport or its equivalent in order to verify identity and citizenship when they enter the United States from neighboring countries, including Canada or Mexico. As currently set out by the administration, the law would take effect on January 1, 2007, for airports and seaports and on January 1, 2008, for land crossings.

As those deadlines loom ever closer, my colleagues and I have grown more and more concerned that the plan has been poorly planned and there is a considerable lack of adequate coordination not only among the Departments of Homeland Security and State, which are charged with implementing the initiative but also with the governments of Canada and Mexico. I fear that we face a train wreck on the horizon if the plan steams along as is.

The senior senator from Alaska most definitely recognizes how improper implementation of WHTI could impede the flow of people and goods across our borders. The residents of his home State especially would face unique challenges under WHTI because all Alaskans have to cross into Canada before entering the continental United States by land.

Mr. STEVENS. The Senator from Vermont is correct. The Department of Homeland Security and the State Department are now in the process of developing the rules needed to implement this initiative. The State Department is proposing an alternate form of documentation to be accepted for land border crossings known as a passcard. The passcard would be slightly less expensive than a passport but would still require the same adjudication and background check as a passport and could only be used for land travel between our country, Canada and Mexico.

Many of my constituents travel to Canada every day. I believe each Senator from Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire,

New York, North Dakota, Ohio, Pennsylvania, Vermont and Washington will agree it is imperative that the travel requirements between Canada and the United States be implemented in a manner that does not adversely affect Americans. To date, the construction and price of the passcards have not been established. Passcards are essential to ensure the flow of travel and business activities between the United States and other countries is not hindered.

I am also concerned with the looming date of implementation for WHTI. The administration's current plan is to implement the air and sea portion of the initiative by January 2007, this coming January. This means that in just 3 months all U.S. citizens traveling by air and sea from Canada and Mexico or the Caribbean will need a passport to enter this country.

The intent of language included in the Homeland bill is in no way meant to indefinitely delay the implementation of this initiative. Securing our borders is important, and I support these efforts. I want to make sure the State Department is prepared to adjudicate the large number of requests for passports and passcards this initiative will produce.

Our language also creates a single implementation date for land and sea crossings. Families often take a cruise to Alaska, and continue their vacations in Canada. In order to avoid confusion to these travelers, we must have one date in which they are expected to have new documentation, rather than the current plan to implement sea this January and land in January 2008. Further, they should be able to use the passcard for both land and sea crossings, rather than requiring a passport for the sea portion of a vacation.

I believe DHS and the State Department are operating under an unrealistic timeframe. We must ensure they have enough time to properly test and implement this system, which includes biometrics and new border security equipment. We must also clearly set out guidelines we expect to be met before this initiative can be implemented. This is what we hope to achieve with the language we included in the Homeland bill.

Mr. LEAHY. Like Alaskans, Vermonters have strong economic ties to Canada and depend on the efficient movement of products across international borders. Many Vermont families, including mine, frequently travel to Canada to visit family members living there or to spend a weekend in the beautiful cities of Montreal or Quebec City. Similarly, our Canadian friends enjoy many Vermont treasures, including our ski resorts and our own "great lake," Lake Champlain. In 2003, more than 2 million Canadians visited Vermont, spending \$188 million while here.

Additionally, Vermont has a number of small towns along the border that depend on access to neighboring Cana-

dian towns. In some cases, these towns share emergency assistance, grocery stores, and other basic services. Residents sometimes cross the border on foot several times a day just to conduct routine business. Other northern border States enjoy similar trade and tourism benefits with Canada and could face significant downturns in their economies if this law is not implemented properly.

At a cost of about \$100, passports are an expensive hardship for many, especially families would not otherwise travel abroad. The proposed PASS Card is a less costly alternative but also raises a number of new concerns, including issues of privacy and effectiveness. On top of that, DHS and State are still arguing over what technology to embed in the card. I find it highly unlikely that the State Department will be able to process the flood of requests for passports and PASS cards that will come from this initiative by the deadline when key decisions have still not been made.

Mr. STEVENS. These are just some of the issues which must be considered before implementing this plan. In addition, the lack of public outreach to inform citizens of the new requirements concerns me.

I see the potential for a disaster at our borders if regulations are hastily imposed. There is just too much at stake to implement a travel system that has not been properly tested, and this is why Senators LEAHY, GREGG, BYRD, I worked together with House Homeland Security Appropriations Subcommittee Chairman ROGERS to craft bipartisan language to extend the WHTI implementation date. Our language simply gives the State Department and DHS more time to make sure this is done right.

Mr. GREGG. I believe the proper implementation of WHTI is imperative. I wish to emphasize that the Departments of Homeland Security and State can move forward with the full implementation of WHTI before June 1, 2009—but to do so they must comply with all legislated criteria. These legislated criteria are designed to ensure that the PASS Card protects the privacy of our citizens, that readers have been installed at all ports of entry, that all employees have been properly trained—in short, that the system works, before it is used by millions of citizens. And I emphasize that implementation, meaning putting the system into operation can occur at any time but no later than June 1, 2009, if the conditions, which are designed for proper operations, are met.

Mr. BYRD. I, for one, will definitely be interested to see how the Department of Homeland Security and the Department of State are progressing on WHTI implementation. And we will be able to do so because we mandate that the Departments provide quarterly briefings on the progress being made on WHTI implementation and that the first briefing should be no later than December 1, 2006.

Mr. LEAHY. My colleagues are both correct. While hasty implementation could result in avoidable problems for all those who will be affected by this Initiative, we also want to make sure that it is done on a reasonable timetable. Our amendment requires a modest implementation delay to June 1, 2009, and also requires that certain technological goals are met in the design of the PASS Card to ensure that the strictest standards are in place to protect personal information. Though it has been two years since the Intelligence Act requirement became law, the agencies have made little progress to implement WHTI. This provision (Sec. 546) provides additional guidance to the agencies to insure smooth implementation.

Our language also requires the Departments of Homeland Security and State to certify prior to implementation that a cost for the PASS Card has been agreed upon, that all border authorities are familiar with the technology, and that the technology has been shared with the Canadian and Mexican authorities. These are just a few of the steps we have taken in this amendment to ensure that the transition to an increased security environment is done without creating unnecessary obstacles.

And the Senate and House Appropriations Committees will most certainly share the Homeland Security Department and the State Department report to us on how they are progressing in meeting the program criteria and moving toward implementation.

I thank my colleagues for all their hard work on reaching an agreement on this language. With it, we greatly increase our chances for the successful implementation of the Western Hemisphere Travel Initiative.

Mr. LAUTENBERG. Mr. President, one of the most important parts of this Department of Homeland Security appropriations bill is a section that should not be in it at all. It is a perfect example of how the majority has decided to legislate: make back room deals and pass phony protections instead of real ones.

I am speaking about the section that purports to adopt chemical security protections for our country.

To illustrate what chemical security means, and why it is so important, let me tell you what happened on Tuesday in Elizabeth, NJ. A worker at a trucking company accidentally ruptured a small pressurized gas tank and released a cloud of sulfur dioxide into the air. Workers at nearby storage and shipping facilities became ill. Truck drivers in the area abandoned their vehicles as their lungs burned and they couldn't breathe. People on the side of the road were vomiting. Fifty-eight people—including a first responder—were taken to the hospital. That was a small accident. Imagine if a terrorist blew up a large chemical facility.

To understand the impact, all you have to do is drive 9 miles down the

road from Elizabeth to Kearny, NJ, home to the Nation's most dangerous chemical plant. Kearny is a blue-collar, working-class town. Forty-thousand residents—men, women and children—make Kearny home. An act of terror at the Kuehne chemical facility could put Kearny—and the twelve million Americans who live within fourteen miles of the plant at risk. No wonder that facilities storing large amounts of chemicals have been called “pre-positioned weapons of mass destruction” by homeland security experts.

One would think that the majority and the administration would do all it can to stop an attack in Kearny—or at any of America's nearly 15,000 chemical facilities. Republican leaders have put together a counterfeit bill that they are trying to pawn off as “chemical security,” but we are not buying it, and neither should the American people.

Recognizing that this was a problem even before 9/11, I introduced the Nation's first chemical plant security bill in 1999. And earlier this year, Senator OBAMA and I introduced a new comprehensive chemical security bill that seeks to protect the American people—not the chemical industry. The Republican leadership has brushed aside our strong bill, and other legislation that has come out of the Homeland Security committees in the Senate and the House.

Instead, the Republican leaders borrowed a page from the “Dick Cheney Energy Task Force” playbook: lock the windows, bolt the doors and meet with industry lobbyists. And what did the Republicans and chemical industry lobbyists come up with? A fraudulent bill. The chemical industry bill put forward by the Republicans fails to require the safest practices at the highest-risk facilities. It is a bill that fails to secure the nearly 15,000 facilities that store dangerous chemicals. A bill that fails to protect drinking and waste water facilities. And a bill that fails to make clear that states can adopt stronger chemical security laws than the federal government.

So will this chemical security bill authored by the chemical industry, the majority, and the administration make the Nation safer? No. The public should not be fooled. Because this fake chemical security bill has been attached to the Homeland Security appropriations bill, most Senators will vote for it. But make no mistake, it is not what we want or need.

We need a bill that requires all chemical plant owners to improve the security of their sites, and when possible, replace toxic chemicals with safer ones. We need a bill that makes perfectly clear that states can adopt stronger laws than the toothless version the majority are doing here. We don't need the majority, the White House, and the chemical industry deciding the fate of towns like Kearny or Elizabeth behind closed doors.

All of this is more reason we need a new direction in Washington.

Ms. CANTWELL. Mr. President, I come to the floor today to speak to the Department of Homeland Security Appropriations Act of 2007.

Since 9/11, we have made significant progress in bolstering the defense of our Nation against terrorism. Today, Americans are safer than they were just 5 years ago. However, as we learned from the recently released National Security Estimate, the threat of terrorism continues.

As a border State and a major thoroughfare for trade, Washington State faces incredible security challenges. Along our northern border, official checkpoints are separated by miles of vast, rural and rugged terrain.

The Ports of Seattle and Tacoma make up the Nation's third largest container center. Puget Sound is home to America's largest ferry system, transporting more than 26 million passengers and 11 million vehicles annually throughout the area.

The Homeland Security Appropriations Act of 2007 provides vital resources to build on the progress we have made to make our Nation more secure and citizens safer.

It contains specific provisions that I am very proud to have worked on—provisions that I believe make a strong bill even stronger.

I will speak about those provisions in just a moment, but first, I want to take a moment to acknowledge the steadfast leadership and stalwart dedication of the bill's managers, Senator GREGG and Senator BYRD.

This bill recognizes that as a Nation, we still need to make serious investments in our National security.

That is why we're adding significant resources—more than \$21 billion—to better secure our borders.

This includes \$2.2 billion to add 1,500 agents to monitor and apprehend criminals—criminal or people crossing the border—and \$1.4 billion for detention facilities, including nearly 7,000 additional detention beds to end our failed “catch and release” policy.

Using cutting edge technology is critical to securing our 4,000-mile-long northern border. With vast, rural and rugged terrain, physical barriers provide limited benefits along much of the northern border.

The right tools can provide critical intelligence about areas that have previously gone unsecured for so long.

This legislation includes a provision, which I offered with Senator BAUCUS, directing the Department of Homeland Security to work with the Federal Aviation Administration to test the use of unmanned aerial vehicles on the northern border.

UAVs with extended range can conduct prolonged surveillance sweeps over remote border areas, relaying information to border agents on the ground.

This will modernize our patrol capabilities and enable us to reach hundreds of miles of previously unguarded border.

It is time to get serious, smart and practical by using the best proven resources out there.

I have also sponsored a provision included in this legislation directing the Department of Homeland Security and State Department to work with Canadian officials and State and local first responders to identify border security challenges—including interoperable communications—in preparation for the 2010 Olympics.

Lastly, I was proud to join Senator FEINSTEIN to secure a provision criminalizing the construction of smuggling tunnels under our borders and putting into law stiff penalties for anyone building or using such tunnels.

In July 2005, we discovered a smuggling tunnel between Canada and Washington State. It had been used to traffic drugs, but it's all too clear that tunnels could just as easily be exploited by terrorists to enter undetected into our country.

The legislation before us also provides more than \$4.3 billion to improve the security of our ports and the global supply chain.

This includes: More than \$2 billion to the Coast Guard; \$210 million in port security grants; \$420 million for radiation and gamma ray inspection equipment for scanning cargo containers; and nearly \$200 million to screen cargo containers at foreign ports and collaborate with private entities to enhance supply chain security.

Focusing on security where cargo is loaded abroad, at the point of origin, is vital to achieving security for our ports here at home.

I am proud to have cosponsored a provision with Senators COLEMAN and SCHUMER, included in this legislation, which directs the Department of Homeland Security to test a new integrated container inspection system at three foreign ports.

This technology has already shown promise at the Port of Hong Kong.

And I believe that testing this system is the next important step to move us toward 100 percent screening of containers.

From our borders to our ports, this legislation also represents a significant investment in the security of our transportation systems.

In light of the foiled terrorist operation in the U.K. on August 10, I remain especially concerned about aviation security.

As we all now know, a network of terrorist cells planned to down as many as 10 U.S. airliners by smuggling liquid explosives onto flights.

The foiled plot provides a stark reminder of the serious gaps which continue to impede our efforts to secure the commercial airline industry.

In 1994, we learned the dangers of our inability to screen passengers for liquid chemicals that could be combined to create an improvised explosive device, when Ramzi Yousef successfully bombed Philippines Airline flight 434. In 1995 they uncovered the infamous “Bojinka” plot in Manila.

Yet more than 10 years later, we still have not developed a technology that can be deployed in airports to screen passengers for these substances.

To fix this, we need to make a strong investment in research and development.

The Senate version of this legislation—which passed before the August U.K. terrorist threat—had only \$5 million slated for research and development of explosive countermeasures, under the Science and Technology directorate at the Department of Homeland Security.

After the Senate returned from August recess, I wrote to Chairman GREGG requesting that he work in conference to increase funding for explosive detection research under the Science and Technology directorate.

The conference report before us today includes nearly \$87 million in explosives research funding and I want to thank Senator GREGG for working in conference to accommodate this request.

The explosives detection problem is both urgent and technically challenging. Passenger screening technology must be efficient, reliable, and effective.

The latest threats make it clear that we need to accelerate our work to find innovative solutions to evolving challenges.

We must be smart and tough in our fight against global terrorism. Our first priority must be ensuring that Americans are safe.

We have come a long way since 9/11. We have worked hard and made progress and we are safer today.

But it is clear: We need to do more to stop terrorists and their schemes.

We can't let down our guard—at our borders, at our ports, on our passenger planes.

The legislation before us today builds on progress we have made and delivers strong and serious investments so we can do even more.

Americans deserve to know that we are doing everything we can to secure our country and keep them safe.

Again, I want to thank the managers of this bill for their efforts. I look forward to working with them as we continue fighting to secure our Nation.

Mrs. HUTCHISON. Mr. President, I wish to voice my strong support for efforts to secure our Nation's borders, which remain porous. We must immediately address this threat to our national security and make certain that we allow local officials greater involvement as they work with the Secretary of Homeland Security regarding the location of border fencing.

I have consistently supported and voted in favor of border security efforts—such as the installation of reinforced fencing in strategic areas where high trafficking of narcotics, unlawful border crossings, and other criminal activity exists. I have also supported installing physical barriers, roads, lighting, cameras, and sensors where necessary.

Throughout our debate on comprehensive immigration reform, I have stressed the need to secure our Nation's borders—not only our southwest border with Mexico, but also our northern border with Canada, our maritime borders, coastlines and ports of entry. We must secure our borders first, but we must also work toward a comprehensive solution that addresses the needs of commerce and our economy.

The Secure Fence Act of 2006 is needed, and serves as our downpayment with the American people on what we must do to address border security—so that we can then move forward to address comprehensive immigration reform.

To this date, we have hired, trained, deployed 11,300 Border Patrol agents, ended catch and release, accelerated the deportation process, and expanded the number of beds in detention centers to almost 23,000.

We have also provided an additional \$1.9 billion in immediate funding for border security to cover the first 1,000 of 6,000 new Border Patrol agents who will be deployed in the next 2 years. These funds will assist with the temporary deployment of up to 6,000 National Guard troops aiding the Border Patrol with surveillance and logistics.

I will continue to champion border security measures and strongly support the efforts of my colleagues to strengthen our southwest border—protecting our citizens from threats of terrorism, narcotic trafficking, and other unlawful entries. However, I am concerned about Congress making decisions about the location of the border fencing without the participation of State and local law enforcement officials working with the Secretary of Homeland Security. These locations should not be dictated by Congress.

Our border States have borne a heavy financial burden from illegal immigration and their local officials are on the front lines. Their knowledge and experience should not be ignored. Texas shares approximately one-half of the land border between the United States of America and the Republic of Mexico. As such, State and local officials in California, Arizona, New Mexico, and Texas should not be excluded from decisions about how to best protect our borders with their varying topography, population, and geography.

Local officials in my home State of Texas—particularly in the areas of El Paso, Del Rio to Eagle Pass, and Laredo to Brownville—cited in the underlying bill, will not have an opportunity to participate in decisions regarding the exact location of fencing and other physical infrastructure near their communities. Because the time constraints imposed by the pending adjournment will not permit a resolution of this very important issue at this time, I asked for, and received, a commitment from our Senate majority leader and the Speaker of the House of Representatives promising to address these concerns.

The letter addressed to the chairs of the Senate and House Committees on the Judiciary and Homeland Security states that prior to adjournment of the 109th Congress, we will act on this issue.

Ours is a nation of laws and we must be a nation of secure borders. I stand ready to work with my colleagues to enact meaningful legislation in this session of Congress that addresses border security first and that ensures our local communities will be involved in the decisions that have such a dramatic impact on the lives of their constituents. I appreciate the commitments of our Senate leader and the Speaker and look forward to working with them on this important issue.

In addition, I have been given a separate letter on this subject from Leader FRIST, and I ask unanimous consent that both of these letters be printed in the RECORD.

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

U.S. SENATE,  
OFFICE OF THE MAJORITY LEADER,  
Washington, DC, September 29, 2006.  
Hon. KAY BAILEY HUTCHISON,  
Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR HUTCHISON: I am enclosing a copy of a letter signed today by myself and Speaker Hastert in which we outline a number of important additional border security measures that we plan to take prior to adjournment.

In this letter, the Speaker and I have pledged to respond to the concerns raised regarding the lack of opportunity for local officials, such as those in the areas of El Paso, Del Rio through Eagle Pass, and Laredo to Brownsville, to participate in decisions related to location of border fencing.

Thank you for taking the time to bring this important issue to my attention and to that of our colleagues.

I look forward to working with you upon our return to complete this action.

Sincerely,  
WILLIAM H. FRIST,  
Majority Leader.

CONGRESS OF THE UNITED STATES,  
Washington, DC, September 29, 2006.

Hon. PETER KING,  
Chairman, House Homeland Security Committee, House of Representatives, Washington, DC.

Hon. JAMES SENSENBRENNER,  
Chairman, House Committee on the Judiciary, House of Representatives, Washington, DC.

Hon. SUSAN COLLINS,  
Chairman, Senate Homeland Security and Government Affairs Committee, U.S. Senate, Washington, DC.

Hon. ARLEN SPECTER,  
Chairman, Senate Judiciary Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMEN: Following passage of the Secure Fence Act of 2006, the following actions will be taken before adjournment of the 109th Congress:

First we will work with the Department of Homeland Security (DHS) to ensure they consult with representatives of U.S. state and local governments, including Native American tribes, regarding the exact placement of fencing and other physical infrastructure along the southwest border of the United States.

Second, legislation should require the Secretary of Homeland Security to put fencing

and physical barriers in areas of high illegal entry into the United States, yet allow flexibility to use alternative physical infrastructure and technology when fencing is ineffective or impractical.

Third, the legislation should clarify the definition of operational control of the border to ensure accountability and a workable standard for the Department.

We have spoken to the Administration and know that they fully support these proposals and we expect that they will actively support our effort to make these changes before the end of the year.

Sincerely,

J. DENNIS HASTERT,  
*Speaker, House of  
Representatives.*

WILLIAM H. FRIST,  
*Majority Leader, U.S.  
Senate.*

Mr. LIEBERMAN. Mr. President, for years, homeland security experts have been warning that chemical facilities are one of our most glaring homeland security vulnerabilities. Yet Congressional efforts to empower the Department of Homeland Security to regulate such facilities have foundered in the face of administration inaction and opposition from some industry groups and their allies. That is why I am pleased that Congress has at last authorized DHS to begin regulating some of the most risky chemical facilities.

Specifically, the Department of Homeland Security appropriations conference report directs the Secretary of Homeland Security to begin regulating high risk chemical facilities. It gives DHS 6 months to develop interim regulations for chemical site security and specifies that the program should require chemical facilities to develop vulnerability assessments and site security plans. DHS would have to review such documents and approve or disapprove the security plans based on whether they address the vulnerabilities identified for that facility and meet security performance standards designed by the Department. The Secretary would have authority to audit and inspect facilities in the program and to seek civil penalties against those who do not comply. The Secretary could also order the shutdown of a facility that does not meet the standards until it comes into compliance.

This is undoubtedly progress, and I hope DHS will fulfill its responsibility to promptly and vigorously exercise this new authority to address an extremely dangerous homeland security weakness.

But while this provision is an improvement on the status quo, it falls well short of what we need to fully address this threat. That is particularly disappointing because both the House and Senate Homeland Security Committees have approved bipartisan, comprehensive chemical security bills that could have and should have received floor debate and become the basis for final legislation this fall. I deeply regret that we were not able to advance the bipartisan committee bills or to retain many of their provisions.

On the Senate side, Senator COLLINS and I introduced the Senate chemical security bill, S. 2145, after holding four hearings on chemical security this session and consulting with many interested parties. Our legislation was marked up in the Homeland Security and Governmental Affairs Committee in mid-June, and reported out on a 15 to 0 vote. While that bill did not include everything I wished, it was a balanced and comprehensive program for chemical security that was able to garner broad support on the Committee. I wish to address a few specific issues that were part of S. 2145 but which have been lost or distorted in this chemical security provision.

First, let me speak to the issue of inherently safer technology or IST. The bipartisan chemical security bill approved by the Senate Homeland Security and Governmental Affairs Committee recognizes that sometimes the best security will come not from adding guards and gates but from reexamining the way chemical operations are carried out in order to reduce the amount of hazardous substances on site, improve the way they are stored or processed, or find safer substitutes for the chemicals themselves. These changes limit the loss of life or other damage in the event of an attack and therefore make a facility a less inviting target for terrorists to begin with. They also have the added benefit of limiting the harm from an accidental release. S. 2145 clearly requires facilities to look at the risks and consequences related to the dangerous chemicals on site and address those specific vulnerabilities in their security plan. And it includes these process changes among the menu of security measures that chemical facilities should examine when designing their security plans.

The House chemical security bill, H.R. 5695, goes further and would require high risk chemical facilities to implement safer technologies under certain conditions. That requirement is similar to an amendment I offered at markup which, had it been adopted, would have required the riskiest chemical facilities to consider such technologies and implement them if feasible.

This is not a question of forcing industry to conduct its operations off a government-issued play book. Companies would analyze for themselves whether there are less dangerous ways to conduct their business and would not be required to implement any changes that were not feasible or merely shifted risk elsewhere. But given the extraordinary risks involved, it is imperative that companies be required to at least take a long hard look at some of the commonsense solutions that have been advocated or already adopted by others within the industry.

Unfortunately, the chemical security provision included in the DHS appropriations conference report has no language to encourage safer technologies,

and actually includes language aimed at preventing the Secretary from even urging a facility to consider such options.

Second, I regret that this chemical security provision includes flawed language on information protection and judicial review. Of course, none of us would want to release sensitive information about a chemical plant that would be useful to a terrorist. However, excessive secrecy in a Government security program can actually make us less, not more safe. This is because some degree of transparency is necessary to help us make Government programs more accountable and effective. Also, local communities and their elected officials deserve to know whether local facilities are being kept safe against a terrorist attack, and the community's vigilance can help make us all safer.

I believe S. 2145 as introduced achieved the right combination of protecting real security information, while allowing enough disclosure to create accountability. Unfortunately, those carefully drafted provisions have been replaced, in this measure, by a mechanism that will impose undue secrecy on information submitted and developed in relation to this program and could deny the ability of Congress and affected communities to ensure that the program operates effectively. This measure also puts cumbersome restrictions on the use of such information in court enforcement proceedings and includes an ill-considered provision that would limit court review of a chemical facility's conduct.

Finally, I am extremely disappointed that this measure does not include the provision from S. 2145 guaranteeing States and localities the right to enact stronger chemical security measures. S. 2145 explicitly recognizes that Congress is not the only body that can and should help ensure the safety and security of the Nation's chemical facilities. States and localities have long regulated such facilities for various safety and environmental concerns. Since 9/11, some States have also moved to require security improvements at these facilities. These State and local protections are critical companions to our effort at the Federal level and should not be displaced unless there is an absolute conflict, such that it is impossible for a facility to comply with both the Federal law and a State or local law or regulation on chemical security. S. 2145 also specifies that it does not disrupt State and local safety and environmental law regarding chemical facilities, and it does not seek to dislodge or alter the operation of State common law with respect to such facilities.

Contrary to calls by industry, the chemical security language Congress is approving does not affirmatively preempt State and local chemical security rules and I do not believe it should or will have the effect of preempting such laws. Nevertheless, it is preferable that Congress speak clearly and decisively

on such an important security matter, and it is unfortunate that the conference report does not retain the strong antipreemption language of our bipartisan Senate bill.

These are only a few of the issues that must be revisited, or visited anew, in a complete authorization bill. This chemical security provision is clearly a stopgap measure, one which will expire as soon as we can replace it with a permanent authorization or, at the latest, three years after enactment. So while we have given DHS the authority immediately to begin regulating chemical facilities, we must not let up in our efforts to reach agreement on a permanent and comprehensive chemical security bill as soon as possible.

Mr. President, I rise today in support of the fiscal year 2007 Department of Homeland Security Appropriations Act, which will direct nearly \$35 billion toward strengthening the homeland security of this great Nation. The measure, though imperfect, addresses one of my top priorities, particularly the recreation of our ineffectual Federal emergency management system into an organization capable of preparing for and effectively responding to disasters, whether caused by nature or terrorists.

This month, we observed the fifth anniversary of September 11—a day that changed the course of history for this Nation. We are all united in our desire to defeat the threat of global terrorism and to prevent any more families from having to experience the unfathomable sense of loss that the survivors of 9/11 have experienced.

I believe we have made real progress in strengthening our homeland security since 9/11, and I am privileged to have had a role in bringing about that progress. I must add, however, that we are still a ways off from assuring the American people they are as safe as they should be. We continue to work toward that goal, and each day we get a little bit closer.

This appropriations bill moves us in the right direction in large part because of its provisions to refashion the Federal Emergency Management Agency in the wake of its disastrous preparations for and response to Hurricane Katrina, the worst natural disaster in our country's history which took the lives of over 1,500 citizens and permanently altered the lives of millions more.

Homeland Security and Governmental Affairs Committee Chairman SUSAN COLLINS and I conducted an 8-month-long investigation into the government's disgraceful response to Hurricane Katrina. We found negligence, lack of resources, lack of capability, and lack of leadership at all levels of government, which, as we know too well, resulted in the failure to relieve the massive suffering that occurred along the gulf coast.

To guarantee more effective planning and a more successful response in the future, Chairman COLLINS and I made a

number of recommendations in our final report, entitled "A Nation Still Unprepared." The most prominent of these recommendations, a FEMA redesign, is in this legislation before us today. With these changes, which add strength and commonsense restructuring, the Federal Government will be better prepared to protect its citizens in times of disaster.

Let me briefly describe the most important provisions. First, we elevate FEMA to a special, independent status within the Department of Homeland Security much like what the Coast Guard and Secret Service now have—so that reorganizations could only occur by congressional action. The FEMA Administrator will be the President's principal adviser in an emergency and the administrator and top regional officials will have to have appropriate experience and qualifications for the job.

This legislation also restores unity to FEMA's preparedness and response functions. In other words, there will be one organization—FEMA—responsible for both responding to a disaster and planning and training for that response.

To strengthen the ties between Federal and local officials, we will elevate FEMA's regional offices, taking the focus away from Washington and putting it where the real work of preparedness is performed: on the front lines, in the States, towns, and cities most affected by a disaster. The goal is to familiarize Federal officials with regional and local threats, vulnerabilities, and capabilities and ensure that they are familiar with each of them and their State and local counterparts before disaster strikes.

The legislation also creates a new Office for Emergency Communications dedicated to achieving the operability and interoperability of emergency communications among first responders that is fundamental to any disaster response.

These mission changes will begin to be put into place by authorizing a 10 percent increase in FEMA's operations budget in each of the next 3 years—above the much-needed increase in FEMA's fiscal year 2007 appropriations that is included in this bill. Of course, more is needed, but this legislation makes a start. In addition, we authorize additional funds for States to carry out their disaster preparedness responsibilities, including doubling funding for critical emergency management performance grants.

This bill also provides additional assistance to people and communities struck by disaster. It will, for example, allow FEMA more flexibility in the type of housing it can provide disaster victims to find more cost-effective alternatives to the widely criticized FEMA trailers. It establishes measures to assist with family reunification. And it requires FEMA to better address the needs of those with disabilities in disaster preparedness training and an actual disaster.

As is inevitably the case, there are things missing from this bill that would have made it better—provisions that were included in the bill that Senator COLLINS and I introduced and that was passed out of the Homeland Security and Governmental Affairs Committee but that were lost in conference. These include funding for a dedicated grant program to support and promote communications interoperability among first responders and additional assistance for individuals and communities that fall victim to catastrophic disasters.

This appropriations bill advances the safety of all Americans in other important ways. For the first time ever, the Department of Homeland Security would have the authority to regulate high risk chemical facilities. I am disappointed; however, that the bill does not preserve more of the comprehensive and bipartisan legislation passed out of both House and Senate homeland security committees. The Senate bill, for example, guaranteed the rights of states to enact stronger chemical security provisions. And both bills encouraged the use of safer chemicals and methods to lessen the vulnerability of chemical facilities in the first place. These provisions are vital because, as we most recently observed with the breach of security here at our own heavily guarded Capitol complex, guards and gates alone are always subject to failure. The American people will not be safe from attacks on these facilities until we provide comprehensive security.

September 11 showed us the flaws in our ability to detect and avert terrorist attacks. Hurricane Katrina showed we still haven't grasped many of the lessons of 9/11 and so we remain unprepared. This spending bill moves us toward better preparedness and response to the catastrophes we know await our future.

But, unfortunately, there is no cheap way to be better prepared. It takes money—more money than this budget offers. Too few dollars have been set aside to secure our ports, our transit systems, our railways. Our first responders—who need equipment, training, interoperable communications—continue to be critically underfunded. The cuts this bill makes in State homeland security funding are far less deep than those proposed by the President in his budget this year, but they are cuts nonetheless, and they continue what has been a disturbing downward trend over the last few years. Since 2004, for example, the state homeland security grant program—which provides the central preparedness assistance to states throughout the country—has been slashed by 69 percent.

Additional resources are needed, and I will continue to advocate for them as a wise investment in the greater protection it will provide the American people. But overall, I think this bill is a significant step toward ensuring that

we have a strong, capable agency to lead the country's response to future disasters, whether natural disasters or terrorist attacks—and that is primarily why I will vote for its passage and urge my colleagues to do the same.

Lastly, I thank all of the staff on the Homeland Security and Governmental Affairs Committee, whose many months of work investigating the Katrina response and overseeing the recovery process, formulating recommendations, fashioning those recommendations into legislation, and guiding that legislation through the Congress has resulted in the important changes to our nation's emergency preparedness and response capabilities included in this appropriations bill. The minority staff members are: Joyce Rechtschaffen, Laurie Rubenstein, Robert Muse, Michael Alexander, Eric Andersen, David Berick, Dan Berkovitz, Stacey Bosshardt, Janet Burrell, Scott Campbell, William Corboy, Troy Cribb, Heather Fine, Boris Fishman, Susan Fleming, Jeffrey Greene, Elyse Greenwald, Beth Grossman, R. Denton Herring, Holly Idelson, Kristine Lam, Kevin Landy, Joshua Levy, Alysha Liljeqvist, F. James McGee, Lawrence Novey, Siobhan Oat-Judge, Leslie Phillips, Alistair Anagnostou Reader, Patricia Rojas, Mary Beth Schultz, Adam Sedgewick, Todd Stein, Traci Taylor, Donny Ray Williams, and Jason Yanussi.

Mr. DOMENICI. Mr. President, I rise today to thank my colleagues for their hard work on the fiscal year 2007 Department of Homeland Security appropriations bill. I also want to congratulate my friend from New Hampshire, Chairman GREGG, for his leadership in putting together a package of funding that will secure our country's ports and borders and strengthen immigration and customs enforcement. During this session of the 109th Congress, we have spent a good deal of time considering measures that would strengthen our borders and reform our immigration system. I believe this spending bill is a testament to the administration and the Senate's commitment to these issues.

In this bill, the conference agreed to provide a total of \$34.8 billion to secure our Nation's borders and infrastructure. This marks an overall increase of \$2.3 billion over the fiscal year 2006 enacted level, including supplemental funding, and includes a \$1.8 billion emergency spending provision for border security.

This bill specifically sets aside over \$8 billion for Customs and Border Protection. I represent a State that is directly impacted by its southern border with Mexico, and I laud the provisions that provide funding for 1,500 new Border Patrol agents. My home State of New Mexico is also home to the Federal Law Enforcement Training Center, FLETC, and the addition of extra Border Patrol agents prompted the conference to provide \$275.25 million for new facilities, salaries, and additional instructors.

The bill also provides a \$602.2 million for the U.S. Customs and Border Patrol to procure and maintain air assets. I thank the chairman for supporting my request for \$20 in funding for unmanned aerial vehicles, UAV's, and related support systems. The conference report also provides \$232.98 million for a border construction program. Funds from this program will be used to construct and maintain border facilities, and \$7.46 million will be used to build vehicle barriers along my State's international border with Mexico. We have heard a great deal from Immigrations and Customs Enforcement, ICE, about the need for additional bed space for apprehended illegal immigrants. The committee provides a total of \$3.89 billion in funding for ICE, of which \$153.4 million is to be used for additional detention bed space.

Mr. President, it is no easy task to prioritize funding of programs related to homeland security. I am proud of Chairman GREGG's leadership in ensuring that our Government has provided the resources and moneys necessary to secure our borders and strengthen our enforcement systems. Under the chairman's leadership, we have increased funding for border security each year, and I am proud that we have done so again this year.

Mr. GRASSLEY. Mr. President, I rise today to express frustration and disappointment with a provision included in the fiscal year 2007 Homeland Security appropriations bill. The provision would extend the deadline for the Western Hemisphere Travel Initiative from 2008 to 2009.

On August 2 Senate Finance Committee held a hearing to highlight the problems at our Nation's borders. We heard testimony from the Government Accountability Office, GAO, about their undercover border crossings over the last 3 years. The GAO agents used fake documents, phony driver's licenses, and claims of U.S. citizenship in order to enter the United States. According to the GAO, their undercover agents got past the U.S. Customs and Border Patrol 42 of 45 times. CBP failed to catch the intruders 93 percent of the time, proving that anyone with a fake identification and a tall tale can get waived right in the United States.

The committee also heard some very strong evidence as to why the Western Hemisphere Travel Initiative, WHTI/Initiative, is important and why we should make sure this law is implemented by the deadline established by Congress. In 2004, Congress passed the Intelligence Reform and Terrorism Prevention Act to require the Departments of State and Homeland Security to implement a plan requiring a passport or other document for all travelers entering the United States. We passed this initiative in order to reduce the free travel across our borders by potential terrorists, as recommended unanimously after an extensive investigation by the bipartisan, independent 9/11 Commission.

At the hearing in August, CBP agreed that the initiative is important and told us that they were working to be prepared for the January 1, 2008 deadline. They said the initiative and its passport requirement is the "gold standard." In fact, they even stated that another similar hearing could be held again in a few years if our country did not have a mandatory, standardized document with security features such as biometric identifiers. It was made very clear—border security, in part, depends on secure documents.

Congress, through authorization bills, sets deadlines for a reason. Without them, nothing would get done in Washington. Even with deadlines, agency bureaucrats procrastinate. The US VISIT Program of 1996 is a classic example. The deadline we set for the WHTI is not until January 1, 2008. Extending the deadline in this year's spending bill is premature and foolish. We should have allowed the agency to try to meet the deadline and implement a system that will close our borders to potential terrorists as quickly as possible.

If the Western Hemisphere Travel Initiative is delayed, then it is even more critical that our Customs inspectors be equipped with the tools and technology demonstrated at the Finance Committee's August 2 hearing. Only then can they have a better chance at catching people crossing into the United States with fake versions of the currently accepted documents, which are so easy to obtain.

Mr. ISAKSON. Mr. President, I rise today in support of the fiscal year 2007 Department of Homeland Security conference report. I want to begin by thanking Senator JUDD GREGG for his tireless work on this report, and for his commitment to funding the important initiatives in this bill that are so critical to border security, and securing the homeland. Through his leadership a conference report is before us that is fiscally responsible while also implementing the necessary programs to ensure that we continue defeating the threats to our homeland. I would especially like to touch on a few issues that are especially important to our homeland security initiatives and to my State of Georgia.

I applaud the committee's continued reaffirmation of Public Law 106-246, stipulating that any new Federal law enforcement training shall be configured in a manner so as to not duplicate or displace any Federal law enforcement program of FLETC.

This conference report contains \$2 million for the Practical Applications/Counterterrorism Operations Training Facility—CTOTF—at the Federal Law Enforcement Training Center—FLETC—at Glynco. Since the terror attacks of 9/11, counterterrorism has become a core function for Federal law enforcement agencies, and the CTOTF will provide practical hands-on training in this new state-of-the-art facility. The CTOTF will recreate various settings, both foreign and domestic, that

agents might encounter out in the field, including rural and urban neighborhoods, subway stations, buildings, and roadways. Part of the training site is now functioning, already making use of donated buses, railway cars, and an airplane.

All 82 law enforcement agencies that train at FLETC will have access to the new facility. We are preparing our Federal law enforcement agents to meet their agencies' mission and I am pleased that this conference report recognizes the need to provide them with a realistic training environment. This practical training, in addition to other tactics they learn at FLETC, will also save lives. The students' level of awareness of potential dangers will be raised so that when they encounter similar situations in the real world, they react correctly.

I also applaud the inclusion of an extension of the Rehired Authority. Without the renewal of this authority, FLETC would not have been able to schedule the full training requirements at Glynco and Artesia to meet the initiative for Border Patrol at Artesia, and the Immigration and Customs Enforcement and Detention Officer Training at Glynco. FLETC has demonstrated the need for the authority to be continued.

There were many strong reasons to justify this needed authority, but perhaps the most compelling is that by using annuitants FLETC can save dollars versus hiring—permanent full-time employees, FTE gain demonstrated experience—the current average is 26 years of law enforcement experience—and free up some of the instructors now provided to FLETC by its partner agencies on a temporary basis to be used instead in front line law enforcement operational functions. I applaud the conference and Chairman GREGG for recognizing the importance of this provision.

FLETC is the Federal Government's primary source of law enforcement training. Eighty-two partner organizations subscribe to FLETC for their law enforcement training at the basic—entry level—and advanced training levels. During basic and advanced training, trainees and newly commissioned law enforcement officers are molded into the culture of law enforcement, much like basic trainees and young soldiers in the armed forces. It takes instructors that have the ability to provide realistic instruction to gain the respect of their students as they immerse students into their law enforcement careers. These instructors can come only from the ranks of Federal employees with many years of current and relevant law enforcement experience. Subject areas taught by these instructors include law enforcement techniques and topical areas, such as counterterrorism prevention and detection and border tracking procedures.

It is in the best interest of the Government to have Federal Government employees with state-of-the-art knowl-

edge and experience regarding tactics, policies, and practices of the law enforcement community to provide instruction to trainees, agents, and officers that are beginning their careers. To outsource training for law enforcement functions, even in a partial or fragmented manner, is counterproductive to the overall security and enforcement of the laws of the United States.

The conference report contains a provision making the activities of the staff of FLETC inherently governmental. And while the words "and hereafter" would have provided the desired result of keeping this from becoming an annual issuance issue, I thank the conferees for the inclusion of this language and look forward to working with them to strengthen it in the future.

Finally, I commend Chairman GREGG for his commitment to the CBP P-3 program by providing \$70 million to extend the life of these valuable assets for another 15,000 to 20,000 hours. These aircraft are an important component to our national law enforcement and homeland security efforts. In addition, they have been critical for FEMA disaster support.

Specifically modified for use in drug interdiction, these aircraft have been invaluable for the homeland security mission as well. P-3 AEW and P-3 Long-Range Tracker aircraft have a highly successful 20-year record of detecting and tracking drug smugglers throughout the U.S., Canada, Mexico, Caribbean basin, and Central and South America. In fact, in fiscal year 2005, CBP P-3s were instrumental in the seizure and destruction of a record-breaking \$1.7 billion worth of illegal drugs and recognized by the U.S. Interdiction Coordinator for this feat.

For years, the CBP P-3 AEW has provided surveillance of significant national events which include support of Presidential and Vice Presidential domestic travel; large, terrorism-vulnerable sporting events—the Super Bowl, 2002 Winter Olympics, the Masters—and large city and regional air surveillance during "high level" threat status—AEW surveillance and anti-air coordination of the DC area during State of the Union addresses.

The CBP P-3s have been unspoken heroes in providing FEMA disaster support. There are CBP/FEMA plans to use the P-3s to provide post-disaster assessment and monitoring. In addition, the CBP P-3s were very active in hurricane relief efforts for Hurricanes Katrina and Rita last year. For nearly 2 weeks, they were flying 20 hours a day providing coordination of search and rescue missions, real-time communications links and real-time video to the Homeland Security Operations Center, the CBP Operations Center, and NORTHCOM. These images also were aired on CNN.

These versatile aircraft and their crews have met, and continue to meet, the needs of our country to address a

variety of missions. I thank Chairman GREGG for recognizing their important role by extending their service life in a cost effective manner.

I also note the inclusion of funds for a CBP training facility in Harper's Ferry, WV. Given my interest in border security, I look forward to visiting that facility to see firsthand the training that goes on there.

Mr. President, again, Chairman GREGG and his staff are to be commended for their hard work and leadership during a very tough conference negotiation. I appreciate the hard work of my friend, the Senator from New Hampshire, and look forward to working with him in the future on these and other issues.

Mr. JOHNSON. Mr. President, I applaud the progress we will soon make in the Homeland Security appropriations bill to lower the cost of prescription drugs for all Americans. While the prescription drug reimportation provision included in this bill is certainly not a complete solution to the ever-increasing cost of pharmaceuticals, it is part of the answer.

This legislation includes a provision to allow Americans to bring a 90-day, personal supply of prescription drugs approved by the Food and Drug Administration, for which they have a valid doctor's prescription, into the country from Canada.

I commend Senators DAVID VITTER and BILL NELSON, who introduced this amendment to the Homeland Security appropriations bill during the Senate debate, for their dedication to lowering prescription drug prices.

We must reduce prescription drug prices so that Americans are not forced to cut their pills in half or to choose between medicine and groceries. Virtually all democracies in the world, except the United States, negotiate drug prices for their citizens.

The pharmaceutical industry currently sells its Food and Drug Administration, FDA, approved drugs to virtually every other industrialized democracy in the world at prices that are typically 50 percent less than prices in the United States. Ours is an "open checkbook" strategy, and the result is massive profits for the drug companies but catastrophe for ordinary Americans.

The growth of prescription drug spending in recent years has outpaced every other category of health care spending. According to the Centers for Medicare and Medicaid Services, prescription drug costs grew at an inflation-adjusted average annual rate of 14.5 percent from 1997 to 2002, reaching \$162 billion in 2002. That amount is four times larger than prescription drug costs were in 1990.

An analysis by the Congressional Budget Office found that average prices for patented drugs in other industrialized nations are 35 to 55 percent lower than in the United States. In its 2002 annual report, the Canadian Patented Medicine Prices Review Board

found that U.S.-patented drug prices were 67 percent higher, on average, than those in Canada.

South Dakotans are painfully aware that their neighbors just a few hundred miles to the north, in Manitoba and Saskatchewan, Canada, are paying much less for the exact same prescription medication. One of my constituents recently wrote me with his concerns about the huge discrepancy between drug prices in Canada and the United States. The generic version of his medication is not available in the United States, but because he could obtain the generic from Canada, his physician prescribed it and this man successfully used it for many years.

He writes that in Canada, the price of his generic medication is \$0.46 per tablet, and the brand-name drug is \$0.77 per tablet. After enrolling in Medicare Part D, he was required to use the brand-name drug, available in the United States for \$1.19 per tablet—a 16 percent increase over the Canadian brand-name price, and a 62-percent price increase over the generic drug, which got the job done just fine.

This constituent writes:

It appears to me that the Medicare D plan is a "gold mine" for the drug makers. . . at least for this one drug. It is true that I probably should NOT complain because under the Medicare D I only pay my co-payment. However, my concern is not so much my drug cost but the fact that the American taxpayer is being cheated because of the much higher cost per tablet that is paid to the drug producer under the Medicare D program than if the drugs were purchased on a competitive bid procedure. . . After all, I am also an American taxpayer so it does concern me.

While reimportation is an important step forward, it is only a start in our effort to improve access to necessary medications at affordable prices. We need to go further and allow Americans access to Canadian prices at their local pharmacy. They should not have to take buses to Canada to access these savings.

To that end, I remain dedicated to enacting the provisions of legislation I introduced with a bipartisan group of colleagues, the Pharmaceutical Market Access and Drug Safety Act of 2005, S. 334. This bill would provide for the safe importation of prescription drugs from Canada that are both approved by the FDA and manufactured in an FDA-approved plant. Eventually, once the FDA establishes the appropriate safety protocols included in the legislation, this bill would allow individuals to purchase drugs directly from Canadian and U.S. wholesalers, and pharmacies could import drugs from facilities in several countries that are registered, fully inspected, and approved by the FDA.

So while I applaud the Senate on this small step forward in its efforts to reduce prescription drug prices for Americans, I remain committed to working with my colleagues to create additional initiatives that will lower the cost of prescription drugs.

Mr. INHOFE. Mr. President, I rise in support of the chemical security provi-

sions included in the DHS appropriations conference bill. I have worked on this issue since 2002 and have always supported reasonable chemical security legislation that provides DHS with the authority it needs to protect chemical facilities from terrorists without overreaching. I believe this compromise language achieves that balance.

I am pleased that this language specifically excludes water utilities from coverage and focuses the efforts of DHS on private chemical companies. The Nation's drinking water and wastewater systems are arms of local government, not for profit industries. We in Congress recognized the fundamental difference between the for profit private sector and local government entities when we passed the Unfunded Mandates Act. To have included water utilities in this language would have imposed an enormous unfunded mandate on our local partners in violation of that act.

Many here in Washington assume that local governments need to be forced to protect their citizens. As a former mayor, I can tell you that is simply not true. Local water utilities have been making investments in security consistently since 9/11 and continue to do so. I have offered a bill on wastewater facility security that provides tools, incentives, and rewards, not mandates, for local governments to continue to upgrade security. My legislation passed the Environment and Public Works last Congress with a bipartisan vote and again this Congress by voice vote. However, this week, for the second straight Congress, when I tried to bring the measure before the full Senate, the minority objected even to its consideration. My colleagues on the other side of the aisle are holding this legislation up because it does not impose needless mandates and does not include extraneous environmental provisions.

For these same reasons, many will rise in opposition to the chemical security compromise language included in the conference report. They will argue that the bill needs to allow the Federal Government to tell companies how to manufacture their products by requiring facilities to switch the chemicals they use or change their operating practices. This concept, known as "inherently safer technology," is not, nor has it ever been, about security. IST is an environmental concept that dates back more than a decade when the extremist environmental community were seeking bans on chlorine—the chemical that is used to purify our Nation's water. It was only after 9/11 that they decided to play upon the fears of the Nation and repackage IST as a panacea to all of our security problems.

I find it very interesting that those arguing most vehemently for IST in security legislation are not security experts but, rather, environmental groups. This only underscores the fact that IST is not a security measure; it is a backdoor attempt at increasing the

regulation of chemicals operating under the guise of security.

The legislation before us does not include these extraneous environmental mandates but instead properly focuses efforts on security. The language explicitly clarifies that the new regulatory authorities given to the Department of Homeland Security do not include any authorities to regulate the manufacture, distribution, use, sale, treatment or disposal of chemicals. These authorities have been properly provided to the U.S. Environmental Protection Agency and other agencies and departments under numerous environmental and workplace safety laws, such as the Clean Air Act, the Clean Water Act, the Toxic Substances Control Act, the Occupational Safety and Health Act, and a host of others.

I believe the conference language achieves what those of us who have been working on this issue for years have been trying to do—it provides strong authorities to DHS to reasonably regulate private sector entities without being hijacked by extraneous concepts that have no place in the security debate.

Mr. DODD. Mr. President, I rise to discuss the fiscal year 2007 Homeland Security appropriations conference report. The Senate adopted this measure earlier today, and I supported it.

I would like to begin by thanking the principal Senate authors of this conference report: Senator GREGG and Senator BYRD. I commend my colleagues and their staffs for the hard work they put into negotiating with the House of Representatives and crafting this report.

The conference report adopted by the Senate today funds our country's homeland security activities at \$34.8 billion for the upcoming fiscal year. These activities include supporting national and regional emergency preparedness, first responders, and infrastructure protection. Taken together, these initiatives form the foundation upon which our country depends for its domestic security.

I feel compelled to speak today because notwithstanding the efforts of our colleagues and notwithstanding the adoption of this conference report, I have deep concerns about how this measure—like those that preceded it—funds our country's vital homeland security and emergency preparedness activities.

We all know that disasters—both natural and manmade—continue to threaten our Nation's domestic security and prosperity. As Hurricane Katrina tragically demonstrated last year and as the recent terrorist plot uncovered by British authorities to destroy U.S.-bound aircraft demonstrated last month, our domestic security—particularly our critical infrastructure—remains dangerously prone to exploitation and attack. In light of this unpleasant reality, one would think that the Congress of the United States would do everything it could to shore

up the foundation of our domestic security—to make it as impregnable as possible against the destructive forces of nature and man. Yet, as we look at the measure adopted by the Senate, I do not believe it does enough to protect Americans from natural disasters or acts of terrorism.

I believe that the most important activities for ensuring our domestic security include assisting local and regional emergency preparedness activities, supporting first responders, and protecting critical infrastructure. Taken together, these activities represent the backbone of our efforts to plan for, respond to, and prevent disasters on our soil. They encompass supporting firefighters, police officers, emergency medical technicians; they encompass fully protecting all of our ports and transit systems; and they encompass quickly and effectively responding to real or perceived threats in all parts of our country.

Over the past several years, experts in the national security and public health issues relevant to our first responders, critical infrastructure, and emergency preparedness have reported their domestic security needs. I would like to remind my colleagues that these are present needs—not future projected needs. For example, our firefighters have identified more than \$4 billion needed each year for performing their critical duties safely and efficiently; our port authorities have identified \$3.4 billion required for meeting increased Federal security requirements; and our transit systems have identified \$6 billion needed for making our trains and buses safer for passengers.

Regrettably, the conference report adopted by the Senate continues a pattern of failure on the part of the present administration and leadership of Congress to adequately meet these needs. Under this measure, States receive \$900 million from the State Homeland Security Grant Program—a \$350 million increase over the fiscal year 2006 level but \$250 million below the fiscal year 2005 level. Our firefighters receive \$662 million from the FIRE and SAFER grant initiatives—vital firefighter assistance grants that I was pleased to author with Senators DEWINE, WARNER, and LEVIN. This level of funding is \$7 million above last year's level but \$1.338 billion below the most recent combined authorization level. Our ports receive \$210 million—just over half of the amount authorized in the recently passed SAFE Ports Act, which I was pleased to support. Finally, our transit systems receive \$175 million—a \$25 million increase above last year's level. While we have taken steps to boost our domestic security since the attacks of September 11, 2001, our State and local governments largely remain inadequately prepared, our first responders spread too thin, and our critical infrastructure inadequately protected.

I would also like to discuss briefly another aspect of this conference re-

port. In addition to funding the Department of Homeland Security for the upcoming fiscal year, the conference report makes significant administrative changes to the Federal Emergency Management Agency, FEMA. Many of these changes codify recommendations made by the 9/11 Commission and various reports issued in the wake of the Federal response to Hurricane Katrina.

I would like to commend particularly the efforts of Senator COLLINS and my fellow colleague from Connecticut, Senator LIEBERMAN, in working with conferees to incorporate these reforms to FEMA into the conference report. In my view, these reforms promise ultimately to return FEMA to being better empowered to manage mitigation, preparedness, response, and recovery activities with respect to natural and man-made disasters.

Nevertheless, I would be remiss if I did not mention some concerns I hold with respect to these reforms. More specifically, I remain concerned these reforms open the possibility for, but do not guarantee, input from all stakeholders involved with local, regional, and national emergency preparedness efforts. I am also concerned that these reforms do not offer, in my view, explicit guidelines with respect to resource sharing, capability standards, and compliance benchmarks. I believe that it is essential for FEMA, as it works to incorporate these reforms, to develop and implement proper regulations that ensure equal input from all local, regional, and national stakeholders, clear guidance on adequate local, regional, and national levels of investment, and clear direction on what activities need to be performed by local, regional, and national preparedness systems.

Mr. President, we continue to live in an age when the threat of harm to Americans on their own soil remains dangerously high. As world events continue to remind us, we must remain vigilant about our domestic security. We must proactively assess our weaknesses and proactively work to do all we can to eliminate those weaknesses. Put simply, the lives and the safety of all Americans hang in the balance.

On balance, I supported this legislation because the funding it appropriates does take important steps toward meeting some of our crucial domestic security needs. However, I look forward to working with my colleagues in the coming years to find and provide the resources necessary to make our Nation as safe and strong as it can possibly be.

Mr. LEVIN. Mr. President, I will support final passage of the Homeland Security appropriations bill today because it includes vital funding for our first responders and our Nation's borders. Unfortunately, the bill still does not go far enough.

In particular, I am disappointed that the Senate has again included the small State funding formula for our largest first responder grant program.

We need to change our approach to allocating these scarce resources by reducing the amount of funds allocated to States regardless of need and increasing the funds available to States facing the greatest threats and greatest need. I will continue to work with my colleagues in coming months to make the allocation of these scarce resources more equitable.

I am also disappointed that this bill does not take steps to establish a Northern Border Air Wing in Detroit, MI, as the Senate bill did. The Northern Border Air Wing, NBAW, initiative was launched by the Department of Homeland Security, DHS, in 2004 to provide air and marine interdiction and enforcement capabilities along the northern border. Original plans called for DHS to open five NBAW sites in New York, Washington, North Dakota, Montana, and Michigan. Michigan was originally scheduled to be the third facility opened.

The New York and Washington NBAW sites have been operational since 2004. Unfortunately, not all of the sites have been established, leaving large portions of our northern border unpatrolled from the air and, in the case of my home State, the water. In the conference report accompanying the fiscal year 2006 DHS appropriations bill, the conferees noted that these remaining gaps in our air patrol coverage of the northern border should be closed as quickly as possible. This bill does not accomplish the goals set by Congress last year.

In testimony before the House Armed Services Committee, John Bates, the Chief CBP official in the Detroit Sector said the Detroit area's international border is "an attractive site for criminal organizations that traffic human cargo, contraband, and narcotics across our border." Chief Bates also noted in his testimony that the "natural terrain and geographical nexus to the waterways" presents a tremendous challenge to border interdiction and Law Enforcement efforts, the failure of which "could have major national security implications."

During Senate floor consideration, with the help of Senators BYRD and GREGG, the Senate accepted my amendment related to establishing the fifth and final Northern Border Wing. Unfortunately, this funding was taken out in conference, and the gap along the northern border will remain open for yet another year.

Given the serious threat from terrorists, drug traffickers, and others who seek to enter our country illegally, I would hope the Department uses its operating funds to open the Michigan site as soon as possible. According to the Department, establishing the NBAW will cost approximately \$17 million. This would be consistent with an April 11, 2006, letter to me in which Secretary Chertoff indicated that it was his Department's plan to open the Michigan site during the 2007 fiscal year. I hope he will follow through on that promise.

Although I wish the bill did more to make first responder funding risk-based and to establish a Northern Border Wing in Michigan, there are many provisions in the bill that I support.

I was pleased to learn of the appropriators' decision to retain the Leahy-Stevens Western Hemisphere Travel Initiative deadline extension. According to the Detroit Regional Chamber of Commerce, businesses in Michigan are already being negatively impacted by concerns about crossing land borders from Canada into the United States. Extension of the implementation deadline will allow DHS and the State Department to work through a variety of issues associated with REAL ID and the proposed pass cards, as well as allow for a more effective public information campaign.

I am also pleased that the final bill includes funding for 1,500 new Border Patrol agents. I hope the Department will apportion these agents in a manner that considers the threat along the northern border, particularly in the areas around the northern border's busiest crossings. I was pleased the conferees noted the lack of experienced border agents on the northern border and that they have agreed to hold the Secretary's feet to the fire on this issue. As a member of the Homeland Security and Governmental Affairs Committee, I look forward to discussing this matter with Secretary Chertoff.

The conferees retained a provision regarding a pilot project for unmanned aerial vehicles on the northern border. The Great Lakes are almost completely unguarded at present, and UAVs are the perfect technology for surveillance along these water borders. The Great Lakes offer a unique opportunity for the Department, and I look forward to working with the Department in the coming year on this issue.

I am pleased that the bill includes language that will strengthen the Federal Emergency Management Agency, FEMA. The Federal Government's bungled response to Hurricane Katrina demonstrated incompetence at the highest levels of DHS and also demonstrated the need to strengthen our Nation's emergency response capabilities. The FEMA provision will restore the vital connection between emergency preparedness and response that Secretary Chertoff had previously severed. The bill also includes a provision for keeping families together during mass evacuations and requires DHS to establish a National Emergency Child Locator Center that will help families reunite more quickly in the event they get separated during a disaster. I hope these provisions will help prevent the reoccurrence of one of the most tragic consequences of the Katrina disaster—the thousands of children who were reported as missing in its aftermath. However, I am disappointed that the bill did not include a \$3.3 billion authorization for a dedicated communications interoperability grant program.

This provision had previously been included in an emergency management reform bill that we passed in the Homeland Security and Governmental Affairs Committee.

The bill also includes a provision that would authorize the Secretary of Homeland Security to issue interim regulations for high-risk chemical facilities. Although this authorization is long past due, I am disappointed that such an important provision was drafted behind closed doors, instead of being vetted with full transparency, as was the case with the comprehensive chemical plant security legislation that passed out of Senate Homeland Security and Governmental Affairs Committee unanimously on June 15, 2006. I am glad that a 3-year sunset provision was included in the bill so that the authorizing committees can make any needed improvements to ensure that the threats from chemical plants are fully addressed.

Mr. CHAMBLISS. Mr. President, I rise today in support of the fiscal year 2007 Homeland Security conference report. It is important for me to begin by thanking Senator JUDD GREGG for his hard work and for his dedication to producing a strong report. I commend Senator GREGG for his leadership and for working with me to secure several important initiatives that are so important for the State of Georgia and for America's security.

The Federal Law Enforcement Training Center, FLETC, is located in Glynco, GA. We have outstanding law-enforcement training which takes place at this fine facility. The conference report restored \$2 million to FLETC's Counterterrorism Operations and Training Facility, COTF. I am profoundly grateful for this funding and know that the men and women of law-enforcement who operate and train at FLETC are grateful, also. Since the attacks of 9/11, it has become vital that our law enforcement receive the most up to date counterterrorism training that is available, and FLETC provides it.

I also would like to commend Chairman GREGG for including language to ensure that the training and programs being developed at the Advanced Training Center at Harper's Ferry, WV, will not be duplicate or displace any Federal law enforcement program at FLETC. I am pleased that Senator GREGG referenced the language in Public Law 106-246 in order to reaffirm Congress's longstanding commitment to protect the programs and training at the FLETC. I look forward to continuing to work with him to ensure that this language continues to be included in the future.

Senator GREGG honored my request to protect and ensure the FLETC to renew the Rehired Authority. Without the renewal of this authority, FLETC will not be able to schedule the full training requirements at Glynco and Artesia, NM, to meet the initiative for Border Patrol at Artesia, and the Im-

migration and Customs Enforcement and Detention Officer Training at Glynco. The FLETC has demonstrated the need for the authority.

There are many strong reasons to justify this needed authority, but perhaps the most compelling is that by using annuitants, FLETC can save dollars, versus hiring permanent full-time employees, gain demonstrated experience—the current average is 26 years of law enforcement experience—and free up some of the instructors now provided to FLETC by its partner agencies on a temporary basis to be used instead in front line law enforcement operational functions.

The Federal Law Enforcement Training Center is the Federal Government's primary source of law enforcement training. Eighty-two partner organizations subscribe to FLETC for their law enforcement training at the basic—entry level—and advanced training levels. During basic and advanced training, trainees and newly commissioned law enforcement officers are molded into the culture of law enforcement, much like basic trainees and young soldiers in the Armed Forces. It takes instructors that have the ability to provide realistic instruction to gain the respect of their students as they immerse students into their law enforcement careers. These instructors can come only from the ranks of Federal employees with many years of very relevant law enforcement experience. Subject areas taught by these instructors include law enforcement techniques and topical areas, such as counterterrorism prevention and detection and border tracking procedures. It is in the best interest of the Government to have Federal Government employees with state-of-the-art knowledge and experience regarding tactics, policies, and practices of the law enforcement community to provide instruction to trainees, agents, and officers who are beginning their careers. To outsource training for law enforcement functions, even in a partial or fragmented manner, is counterproductive to the overall security and enforcement of the laws of the United States.

The conference report contains language making the activities of the staff of the FLETC inherently governmental. While it was my hope that the provision would have been strengthened by the use of the words “and hereafter” to avoid the requirement of a renewal each year, I look forward to working with the chairman to achieve this goal in the future.

I am very proud of our employees at FLETC Glynco and the work that is done there and am a very strong supporter of the FLETC. I look forward to continuing to help strengthen the operations that are conducted there so that we can offer the best possible training and protection to our homeland.

Mr. CRAIG. Mr. President, let me first express my appreciation for the hard work of the conferees in approving the legislation we will vote on

shortly that contains an important provision addressing the security of our Nation's chemical infrastructure.

I believe it is very important that our chemical infrastructure have safeguards for the use and storage of chemical manufacturing and distribution. There is no doubt that it is vital to our efforts to ensure national security and the safety of the public. However, we should remind ourselves that many in the regulated community have already taken proactive actions, especially since September 11, 2001, to address threats to their facilities and operations, and have adopted a number of safeguards.

It is my hope that Congress in its oversight role, and the Department of Homeland Security in its administrative and regulatory role, takes those efforts into account and ensures that any new protections and regulations are workable and appropriate.

I am concerned that while the intent of the chemical security "compromise" in this conference report is to address security concerns associated with high-risk industrial chemical use, the bill may also affect many low-risk facilities at a disproportionate level. One of those low-risk industries that will certainly be affected is our domestic dairy industry.

My State of Idaho is a leader in milk production and processing, and our dairy industry is a major economic force. The industry employs the latest technologies to provide high quality products to our consumers and trading partners. What most people do not know is that dairy farmers, dairy cooperatives, and milk processors use anhydrous ammonia as a cooling agent to safely store milk and milk products as it makes its way from farm to grocery store shelf.

Many in the food industry consider anhydrous ammonia to be one of the most efficient refrigerants available and in a relatively low-risk process. In accordance with Government regulations and guidelines, many dairy facilities now use anhydrous ammonia refrigeration systems after phasing out other chemicals that are less environmentally friendly.

The dairy industry in Idaho and nationwide has been extremely diligent in taking actions to enhance the safety and security of their facilities. Those actions include regularly working with the Department of Homeland Security under Presidential Directives 7 and 9 along with regularly conducted vulnerability assessments with the Food and Drug Administration, FDA, the Department of Homeland Security, DHS, the Federal Bureau of Investigation, FBI, and State and local officials.

Food facilities were some of the first industries we focused on in our fight against terrorism. This sector of our economy is currently regulated under the Public Health Security and Biodefense Preparedness and Response Act of 2002 under the jurisdiction of the FDA. The anhydrous ammonia in the

refrigeration systems at these facilities is already regulated by the Environmental Protection Agency, EPA, under its Risk Management Program, RMP, regulations and by the Occupational Safety and Health Administration, OSHA, under its Process Safety Management, PSM, regulations.

I believe, that the intent of including language in this conference report to strengthen the safety of our chemical production infrastructure was to focus on high-risk chemical plants. However, the language in the bill could impose serious burdens on what would normally be considered low-risk operations like dairy farms, cooperatives, and milk processors.

Clearly, there is substantial interest in ensuring the security of our Nation's chemical infrastructure while not forcing onerous and duplicative regulations on one of our most important food industries. I hope some common sense will prevail on this issue, and I plan to continue to work with my colleagues on both sides of the aisle and the administration to see that happen.

Mr. BYRD. Mr. President, on the 5 year anniversary of the terrorist attacks of 9/11, many of our Nation's commentators asked the same question: Are we safer today than we were on 9/11? Well, I must say to my colleagues, that is the wrong question. America was not safe on 9/11.

So in my book, being safer than we were on 9/11 is not saying much. We must set a higher standard.

Regrettably, the President has set a very low standard. The President is comfortable with cutting grants to first responders 3 years in a row at the same time that our police, fire, and emergency medical personnel still cannot talk to each other on their radio systems. The President is comfortable with cutting grants to equip and train our heroic firefighters by 46 percent and with proposing to eliminate the program to hire more firefighters. The President is comfortable with a Homeland Security Department that is so bureaucratically lethargic that \$173 million approved by Congress to secure our ports sat in the Treasury here in Washington for 11½ months.

This President is comfortable with a rob-Peter-to-pay-Paul approach to homeland security. When the Department was faced with a shortfall in funding for securing Federal buildings, the administration proposed to cut funding for developing effective countermeasures for explosives. A month later, Britain arrested potential terrorists who wanted to blow up planes over the Atlantic with liquid explosive. What an embarrassing, short-sighted proposal from the administration. I was pleased to join Chairman GREGG in rejecting the proposal.

This administration was comfortable with shutting off federal funding for the FEMA program that provides long-term healthcare to the brave first responders who tried to save lives and look for survivors at the World Trade

Center on 9/11. It was the Congress that came forward with funds to continue providing healthcare to our first responders.

Well, I am not comfortable with the state of our homeland security.

It has been 5 years since the 9/11 terrorist attacks. It has been nearly 5 years since Richard tried to blow up a plane bound for Miami. It has been 2½ years since hundreds were killed in the Madrid train bombings. It has been over 1 year since 752 were killed or wounded in the London train bombings. Just this summer, potential terrorists were arrested in Britain, who were planning to blow up planes over the Atlantic. Our aviation sector remains on high alert. There is no question about a continuing risk of attack.

So, 5 years after 9/11, has the Department of Homeland Security taken the steps that it needs to take to help make Americans safe?

Five years after the 9/11 attacks, 11 million cargo containers arrive in the United States each year. Any one of them could carry a nuclear bomb, or nuclear material to make a bomb. Yet only 5 percent of these containers are opened and inspected. Only 17–19 percent are examined with imaging equipment. Only 73 percent are screened for nuclear material.

Five years after the 9/11 attacks, many of our first responders still cannot communicate with each other on their radio systems.

Five years after the 9/11 terrorist attacks, we still have no system for verifying the identities and backgrounds of the thousands of workers who have access to our ports, boats, cargo containers, or air cargo.

Five years after the 9/11 terrorist attacks, we still do not have a reliable system for inspecting the 23 billion pounds of air cargo that is placed on passenger aircraft every year.

Annually, 500 million people cross U.S. borders via ports of entry—more than 330 million of them are noncitizens. One of the key findings of the 9/11 Commission is that we do not have a system in this country for tracking aliens who pose a risk and remain in this country undetected. Five years after the terrorist attacks of 9/11, we still do not have a system for knowing when, or if, aliens have left the country. Nor do we have a 10-fingerprint system to reliably verify the identity, or the criminal or terrorist background, of aliens coming into this country.

The EPA has estimated that there are 123 chemical plants across the country that could each endanger more than 1 million people if attacked. Yet 5 years after the 9/11 terrorist attacks, we have no regulations directing the chemical industry to improve security.

Five years after the terrorist attacks of 9/11, we have a Department of Homeland Security, but it is a department rife with management problems. The Department has become a contractor's dream. Over \$11.5 billion of the Department's budget was executed through

contracts, a 60-percent increase over 2004. Yet only 18 of the 115 major DHS contracts are managed by certified program managers. What an incredible opportunity for waste. It is no wonder that the GAO found \$1.4 billion of waste from Katrina spending.

The Department has the dubious distinction of being investigated 525 times by the GAO since its inception. The vast majority of the GAO reports cited poor management and leadership practices.

According to the Rand Corporation, between 1998 and 2003, there were approximately 181 terrorist attacks on rail targets worldwide. Five years after the terrorist attacks of 9/11, the Department has no plan for helping State and local governments to secure rail and transit systems. \$150 million that Congress appropriated for rail and transit security sat at the Department for 11½ months. Since 2001, I have offered eight different amendments to fund rail and transit security, and all of them were opposed by the administration and defeated.

The recent terrorist plot to blow up commercial airplanes crossing the Atlantic Ocean has highlighted a known vulnerability. Five years after the terrorist attacks of 9/11, we do not have technologies that can detect liquid explosives.

The Department recently published a Nationwide Plan Review that found that the majority of State and local emergency operations plans are not fully adequate, feasible, or acceptable. Can you imagine? Five years after 9/11, the Department's own data indicates that State and local governments are not ready to deal with a catastrophic event. The Department has not even published a congressionally mandated National Preparedness Goal.

The terrorist attacks of 9/11 should have been a wake-up call; but, apparently, the Department of Homeland Security, which was created in response to 9/11, somehow did not get the message.

Given these continuing vulnerabilities, I am pleased to say that the conferees have set a higher standard than the White House or the Department.

The conference agreement contains many improvements to the President's request, particularly, with regard to border security and port security. Were steadily increasing funding for Emergency Management Preparedness Grants, despite the President's proposed cuts each year. We have restored proposed cuts in grants to fire departments for needed equipment, and for hiring firefighters. The conferees have also mandated that grants be awarded within certain timeframes so that dollars intended to make Americans safer do not sit in the Treasury for an entire year.

The conference agreement also includes important reforms in the organization of FEMA. Hurricane Katrina proved that the Administration's ap-

proach to breaking FEMA into pieces was a failure. This legislation will help put FEMA on sound footing.

In addition, the conference report contains many provisions that provide clear guidance to the Department about how to improve its operations.

I am particularly pleased with the improvements in funding for border security. Over the past 2 years, starting with an amendment I offered with Senator LARRY CRAIG to the fiscal year 2005 emergency supplemental—with the support of my Subcommittee Chairman, Senator GREGG—this Congress, and especially this Senate, has added 4,000 new Border Patrol agents and 9,150 new detention beds to the fight for border security. And, as a result of our efforts, there are 1,373 new detention personnel and 526 new Customs and Border Protection officers at our ports of entry.

With Congress leading the way in a bipartisan manner, this administration has finally awakened and realized that this country faces a true illegal immigration crisis. There are 12 million illegal aliens currently living in this country—with more than 500,000 new illegal entering each year. And, as of this past January, there were an estimated 558,000 alien absconders—illegal aliens who have been ordered to be removed from this country, but who have thus far escaped detection. These individuals must be found and removed.

I am pleased that the conference report before us makes great strides at achieving that goal. We are ending the short-sighted practice of "catch and release" and replacing it with "catch and remove." This conference report supports 27,500 detention beds.

We have increased the number of Fugitive Operations teams from 16 in fiscal year 2005 to 75 teams in fiscal year 2007. In fiscal year 2005, these teams apprehended over 15,000 illegal aliens including 270 sexual predators and 11,200 fugitive aliens with judicial orders of removal against them. Adding an additional 23 more teams—for a total of 75 teams—will make a real difference in removing from this country those individuals who have been ordered removed and who are here illegally.

We are also increasing funding for the criminal alien program, which identifies illegal aliens currently serving time in U.S. prisons and begins removal proceedings against them while they are in jail. There are an estimated 630,000 criminal aliens in all Federal, State, and local prisons—of whom 551,000 have not yet been identified for removal from the country. Of these, 275,000 are here illegally. Additional attention is also focused on worksite enforcement.

I commend my excellent Chairman, Senator JUDD GREGG, for his outstanding knowledge of this bill and for his leadership. I thank him and his able staff, and I thank my staff, for their work on this legislation. This is a good agreement.

Mr. NELSON of Florida. Mr. President, every year, millions of Americans

who cannot otherwise afford their prescriptions at pharmacies in the United States seek the same FDA-approved prescriptions from Canada at significantly lower prices. However, on November 17, 2005, U.S. Customs quietly implemented a new, stricter policy on prescription drug importation. The new policy has resulted in over 37,000 prescription drug shipments being detained by Federal officials. The new policy has limited the ability of American consumers to purchase these legally prescribed medications from FDA-approved facilities in Canada.

Mr. President, I can tell you that my constituents are extremely disturbed by the actions being taken by our Federal Government. Silently implementing a stricter policy without adequately informing the public puts the health of those who have relied on the prompt delivery of these medications at risk.

That is why I offered an amendment with Senator VITTER to the Senate version of the Department of Homeland Security Appropriations bill. Our amendment prohibits Customs from stopping the importation of FDA-approved prescription drugs by American citizens. The amendment received overwhelming bipartisan support when it was added to the Senate bill.

Unfortunately, the language agreed to by a House-Senate conference committee will only allow Americans to buy and carry home Canadian prescription drugs for personal use, while continuing to prohibit consumers from ordering their prescriptions from Canada by mail.

Although the original Nelson-Vitter provision would have given all Americans greater access to affordable prescription drugs through the mail, the diluted version that emerged from conference committee will help only a few Americans from one part of the country. This language helps almost no Floridians who live thousands of miles from the Canadian border. While I am pleased that Americans living near the border will now have greater access to low-cost prescription medications, I believe that this provision discriminates against Floridians and others who do not live near Canada.

However, this provision is a small step in the right direction. I believe that its passage will open the door to expanding access to lower-cost medications from Canada for all Americans, regardless of where they live. We have made progress but I intend to keep pushing the issue until all Americans can get the medications they need at an affordable price.

The PRESIDING OFFICER. There are 5 minutes remaining equally divided prior to the vote.

The Senator from New Hampshire.

Mr. GREGG. On behalf of myself and Senator BYRD, we yield back the time.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mrs. MURRAY. 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 New Jersey.

Mr. LAUTENBERG. Mr. President, I will speak on the port security conference report we are just passing. I am a conferee on that bill and this conference has been a sham. It is shameful because the Democratic members of the conference committee have not been allowed to offer amendments to the conference report. We were sitting on our hands for virtually an hour while the chairman of the conference committee was absent, without a piece of paper in front of us about what was in the port security bill. Nothing. There was no indication of what was there. No guide, nothing—just sitting there wiling away the time.

Why, we asked, did the Republican leadership in the House and the Senate allow this perversion of the democratic process? Why make promises we would have a chance to offer amendments but never be able to do so?

They wanted this conference to be a plain backroom deal. Their agenda is to strip from this bill important provisions on rail security, transit security and aviation security and replace them with legislation that has nothing to do with our homeland security at all, our port security.

I would like to understand from the majority what it is they were trying to tell the American people. What was so objectionable about the provisions Democratic conferees wanted to offer to bolster aviation, transit, rail, truck, bus, and pipeline security?

The Senate has agreed to the rail security legislation and twice the Senate has approved transit security legislation. Twice the Senate agreed to my amendment to remove the arbitrary cap on the number of airport screeners that can be hired, but each time these measures died due to the inaction by the House of Representatives. Now Republican leaders, once again, want to kill them.

Last night, the Republican chairman assured the Democratic conferees that they could offer amendments to the conference report, but they put obstacles in the way to permit it from happening. Republicans were fearful of showing votes against common sense for rail, transit and aviation security measures. This challenges logic beyond belief.

Last night, the House had actually approved, had voted 281-140, to instruct their conferees to support the Senate provisions on rail, transit and aviation security. Transit systems have always been terrorist targets. They are open, accessible and teeming with innocent people. Since we have not done what we need to do to protect them, they are vulnerable.

Recent attacks in Madrid, London and Mumbai have shown just how dev-

astating these attacks can be. Hundreds of people have been killed just commuting to and from their jobs in those cities.

The Senate rail security provision mandated measures to help protect 25 million Amtrak riders each year, but the House leadership dismissed recent attacks on the rail systems as not significant enough to guard against. It would protect millions more who live near rail tracks where trains carrying hazardous materials pass by, with some very close to this facility, on nearby tracks. Once again, logic failed.

The aviation security provision dealing with airport screeners was approved in the Senate by a vote of 85-12. It would have removed the arbitrary caps on hiring TSA airport screeners. I repeat, the Senate, by a vote of 85-12, would have removed the arbitrary cap on hiring TSA airport screeners even though burgeoning numbers of passengers are flooding our airports. Lifting the cap could have made air travel safer. And it would have reduced the amount of time passengers have to wait in line at terminals to pass through security lines.

It is important for the American people to understand the enormous opportunity taken away from them to protect themselves. It is important for our people to understand the leadership in the Congress stood against rail security, transit security or shorter airport-airline passenger security.

We did not finish the conference on the port security bill. We finished a sham. The majority ought to be embarrassed by their thoughtless abandonment of essential security protection for the American people as they travel.

The leadership stripped out—in the conference that never took place—rail transit and aviation security but made sure that Texas Hold'em Poker games are illegal to play on your computer.

I regret this took place. I hope America does not see in its near future that they were foolishly careless in not protecting our citizens as much as they could.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Maine is recognized for 3 minutes.

Ms. COLLINS. Mr. President, I ask unanimous consent since the Senator from Alaska yields back his 5 minutes that I be permitted to speak for up to 10 minutes.

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

#### SAFE PORT ACT

Ms. COLLINS. Mr. President, shortly this evening, the Senate will adopt the conference report on the SAFE PORT Act. This conference report includes all of the major port security improvements that were included in the Port Security Improvement Act of 2006 that passed the Senate just 2 weeks ago. It has been strengthened by including some of the provisions in the companion House bill.

This is a major accomplishment for this Congress that will help to strengthen our Homeland Security in ways that really matter. The original template for the SAFE Port Act was the GreenLane Maritime Cargo Security Act I introduced with Senator MURRAY, Senator COLEMAN and Senator LIEBERMAN almost a year ago.

I commend Senator MURRAY for her steadfast commitment to strengthening port security. I also thank the Presiding Officer, Senator COLEMAN, for his leadership. He has chaired three hearings on cargo security that helped identify the vulnerabilities and shortfalls in the current systems. That investigation by the Permanent Subcommittee on Investigations, in fact, helped inform our legislation and, indeed, all of the problems that the Presiding Officer identified in his hearings have been addressed in this landmark legislation.

I also commend the ranking member of the Homeland Security Committee, Senator LIEBERMAN, who helped to shepherd this bill through our committee. This has truly been a bipartisan bicameral effort. It represents the Senate at its best. As a result, we have been able to produce significant legislation.

America's 361 seaports are vital elements in our Nation's transportation network. Last year, some 11 million shipping containers came into this country. Now, when we look at the shipping containers, we hope they simply contain consumer goods or parts or other useful objects. But, in fact, every one of these 11 million shipping containers has the potential to be the Trojan horse of the 21st century.

The vulnerability of our cargo is perhaps best illustrated by an incident that happened in Seattle earlier this year. In April, 22 Chinese nationals were caught as they attempted to leave a shipping container. Those illegal aliens transited in a shipping container all the way from China to our shores to the port of Seattle. This container could have just as easily have contained not people seeking a better way of life but people seeking to destroy our way of life. There could have been a squad of terrorists in that container. There could have been the makings of a dirty bomb. There could have even been a small nuclear device. That is the vulnerability of the current system.

In fact, the containers have been called the poor man's missile because a low budget terrorist could ship one across our oceans to a United States port for only a few thousand dollars. The stakes are very high.

If you visit a port like Seattle, as I have, you see that the port is located in the midst of a large urban population, with two stadiums close by, with ferries bringing thousands of visitors. The loss of life would be devastating.

But there is another impact of a possible attack on our ports; that is, the