comfortable we will be able to complete something before we leave here this Friday or Saturday or, if good fortune smiles on us, we can work out something tonight.

RECOGNITION OF THE MINORITY LEADER

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

PASSAGE OF S. 4

Mr. MCCONNELL. Mr. President, let me echo the remarks of the majority leader. We are hoping we can get a number of amendments handled in the course of today's business. This is a measure that—even though it is at the moment flawed—has a chance of getting better in conference and preventing a Presidential veto. It certainly is not the view of this side that we want to prevent passage of this bill, once we have gotten an adequate number of amendments disposed of that have been offered on this side. I think we can work out some way to wrap up this bill sometime in the near future.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republican leader or his designee and the final 30 minutes under the control of the majority leader or his designee.

The Senator from Texas.

IMPROVING AMERICA'S SECURITY

Mr. CORNYN. Mr. President, we are on a very important piece of legislation, as we all know, the unfinished work of the recommendations of the 9/11 Commission. We have been on this bill now for almost 2 full weeks, but we have been unsuccessful so far in being able to get votes on key amendments, which I do believe would fill a significant gap in the protections that are available to the American people in the post-9/11 world.

We yesterday offered a package of amendments which actually represents a consolidation of previously filed amendments I want to discuss briefly, which I think fulfills that important role of gap-filling in the unfinished work from the 9/11 Commission recommendations.

Last night, Senator MCCONNELL, the Republican leader, filed cloture on amendment No. 312, as modified. It is my hope, when we have that vote tomorrow—as currently scheduled under the regular order—we will have an up-or-down vote on provisions critical to addressing threats that terrorists employ in the United States and on U.S. citizens.

This amendment contains five critical homeland security tools. It is imperative we include this legislation to give the appropriate Federal agencies the authority, No. 1, to punish those who recruit terrorists; No. 2, to revoke the visas of terrorists; No. 3, to allow the U.S. Government to detain dangerous aliens; No. 4, to punish those who provide material support—in other words, financial inducement—or I should say support to families of those who engage in terrorist acts; and, No. 5, to protect families of soldiers from terrorist hoaxes.

These are all contained in amendment No. 312, on which a cloture motion has been filed, and upon which we will vote tomorrow, if not before by agreement.

I want to explain these important tools so Members understand what is at stake.

The first of these provisions is to provide the Federal Government, for the first time in our Nation's history, the ability to punish those who actually recruit terrorists. We know from intelligence products gained from—and now public—Khalid Shaikh Mohammed, the mastermind of 9/11, they were actively engaged in recruiting terrorists within the United States—in our prisons, in some mosques, and elsewhere—with the idea of having a terrorist who could act within this country and who would, therefore, not be stopped by the various protective mechanisms we put in place, whether it be the Transportation Security Administration, improvement of our intelligence gathering and sharing to prevent dangerous aliens from entering the country and committing terrorists acts.

The whole concept behind Khalid Shaikh Mohammed's efforts was to recruit people domestically, people who would not meet sort of the typical description some would anticipate or the profiles the intelligence officials might have of the type of person who would be logically suspect for terrorist activities. So what this part of the amendment would do would be to punish recruitment of terrorists within the United States. This is a gap in our laws that needs to be filled.

Senator GRASSLEY had previously filed an amendment which is now included in this consolidation. This has to do with revoking the visas of terrorists. Under current law, visas approved or denied by consular officials are nonreviewable. That is overseas. If somebody applies for a visa, and they do not get it, then those are not reviewable. In other words, there is not a stream of litigation or successive appeals they can go through in order to challenge the denial of their visa.

However, if a visa is approved but later revoked and that individual is on U.S. soil, the decision by the consular officer is reviewable in U.S. courts. This amendment makes these revocations nonreviewable.

This is both a practical problem and is actually a huge difficulty, identified by the Government Accountability Office in 2003. They said that even if an alien's visa is revoked on terrorism grounds after the alien reaches the United States, it is almost impossible to deport the suspected terrorist because persons with a revoked visa can stay in the United States and have a right to successive appeals of a consular officer's decision.

Moreover, allowing the review of these revoked visas, especially on terrorism grounds, jeopardizes the classified intelligence that may have led to the revocation in the first place and makes the FBI and CIA hesitant to share the information. We can see how that standoff would occur. They are hesitant to share the information; therefore, visas of dangerous persons are not revoked.

So due to the practical delay caused by review, we would suggest—this amendment suggests—we treat the visas exactly the same whether they are denied outside of the country or revoked inside of the country based on terrorism grounds.

Also included in this package is an amendment that has to do with the detention of individuals who have entered our country illegally and are subject to being repatriated, particularly criminal aliens. This grows out of a Supreme Court decision in 2001, where the Supreme Court held, in the Zabidah case, the Department of Homeland Security could not detain a person longer than 6 months. In this case, for someone with a criminal record, who could not legally stay in the United States, they could not detain them more than 6 months. Unless they were successful in getting them repatriated or returned to their country of origin, the only thing the Department of Homeland Security could do is release them into the general population of the United States. That is simply an unacceptable result.

What this amendment would do is change the statutory law of the United States, as invited by the U.S. Supreme Court, to authorize the Department of Homeland Security to detain dangerous aliens longer than 6 months if, in fact, there is a reasonable expectation that individual will be repatriated to their country of origin.

For example, the Government had to release Carlos Rojas Fritze, who sodomized, raped, beat, and robbed a stranger in a public restroom and then called it, bizarrely, ''an act of love,'' and Tuan Thai, who repeatedly raped, tortured, and terrorized women and vowed to repeat his crimes. These are just two individuals who, under the Supreme Court decision, had to be released into the American public—obviously a great danger to the American

people. We need to act to fix this gap, as invited by the U.S. Supreme Court, so dangerous aliens like these individuals can be detained and so the American people can be protected.

One other element of this package of amendments is punishing those who provide material support for terrorists. We recall that Saddam Hussein was providing $25,000 for the families of Palestinians who engaged in terrorist attacks in Israel. The fact is, there is a practice in some quarters of providing financial support for families as an inducement to terrorists so they know that if they commit terrorist acts, at least their families will be financially provided for. Well, this provision of this amendment would punish material support for terrorists, and I think the reasons for doing that are self-evident.

The provision will expand the section of the U.S. Criminal Code which punishes murder or assault of U.S. nationals overseas for terrorist purposes, so that it equally punishes attempts and conspiracies to murder U.S. nationals for terrorist purposes.

Finally, protecting families of soldiers from terrorist hoaxes. The last provision necessary for the safety and security of all citizens is establishing the right of the American Government to protect the families of soldiers from terrorist hoaxes.

Mr. President, I ask unanimous consent that I be allowed to speak for 2 more minutes in our morning business allocation.

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

Mr. CORNYN. This last provision provides the right of the American Government to protect families of soldiers from terrorist hoaxes. For example, this provision would increase the penalties for perpetrating a hoax about the death, injury, or capture of a U.S. soldier during wartime.

I think we would all agree that a hoax about the death of a U.S. soldier is a serious offense that should be made a crime and can result in devastating consequences to the family that is the subject of a hoax. In one such incident involving a soldier from Flagstaff, AZ, who was serving in Iraq, the Army sent the soldier a satellite phone so he could call home from Iraq to reassure them that he was, in fact, alive and uninjured. Unfortunately, another soldier was killed in the process of trying to deliver the satellite phone to the soldier so he could reassure his own family, and the message did not get through on a timely basis.

I think we would all agree this is simply unacceptable. Our military personnel put their lives on the line every day for our freedom and our families who support them. One of the most important things we can do is make sure they are protected against those who would perpetrate these kinds of cruel hoaxes on them and take advantage of their concerns and natural anxiety for the welfare of their loved ones serving us abroad.

So I hope our colleagues will vote for cloture on this important package of amendments, and we will have that opportunity tomorrow, if not sooner.

Mr. President, I know I have other colleagues, my two colleagues from Georgia, who are here to speak in our portion of morning business, and I will yield the floor at this time to them.

The ACTING PRESIDENT pro tempore. The senior Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, may I inquire as to how much time is remaining on our side?

The ACTING PRESIDENT pro tempore. Seventeen minutes 50 seconds.

Mr. CHAMBLISS. Mr. President, I rise today to urge my colleagues to support the amendment proposed by the Senator from Texas, Mr. CORNYN. It has been 5½ years since the horrendous terrorist attacks against the United States on September 11, 2001. Since that attack, many improvements have been made in the way law enforcement communities around the country are combating terrorism, but it is very important that we continue to give our law enforcement community every tool they need to protect Americans. Americans expect Congress to do everything possible to improve the Nation's security, and Senator CORNYN's amendment adds to the important and necessary tools needed by law enforcement to prosecute the war against terrorism.

I would like to take just a few minutes to touch on some of the important provisions that are included in this amendment. The first issue I would like to talk about is punishing those who recruit or assist terrorists.

For the first time, we will be able to target terrorist recruiters—those who seek out and try to persuade individuals to commit terrorist acts against the United States and our allies.

It is no secret that al-Qaida attempts to seek out individuals living within the United States who can operate freely here and who do not necessarily fit the profile of those who perpetrated the 9/11 attacks to join their cadre of jihadists. Even the 9/11 Commission Report discusses al-Qaida's ability to recruit:

> Mosques, schools, and boarding houses served as recruiting stations in many parts of the world, including the United States.

For example, an early bin Laden organization, al-Khifa, recruited American Muslims to fight in Afghanistan. Al-Khifa had offices in my own State of Georgia as well as Chicago, New York, Boston, Pittsburgh, and Tucson.

The amendment also creates a new offense for aiding the family or associates of a terrorist in order to target those who give money to families of suicide bombers after such bombings. Any person convicted of doing any of these things should face severe punishment. This is not uncommon. We saw Saddam Hussein offering up to $25,000 to the families of suicide bombers in Palestine as a reward for their sons' and daughters' terrorist attacks. This type of support promotes and encourages suicide bombers and simply cannot be tolerated. The American people are probably shocked that these offenses are not already on the books. Support for this amendment will send a strong message that this country has not forgotten how September 11, 2001, changed this world and that we will do everything in our power to prosecute terrorists and those who support them.

A second key provision in this amendment deals with closing a loophole in the law that allows suspected terrorists to stay in the United States after their visas have been revoked on terrorist grounds.

In June of 2003, a GAO report revealed that suspected terrorists can and, in fact, do stay in the United States after their visas have been revoked because they are suspected of terrorist activity. After the loophole came to light, the GAO found that more than 100 people were granted visas that were later revoked because there was suspected terrorist activity.

Under current law, decisions to approve or deny visas by consular officers are nonreviewable and deemed final. However, if a visa is approved and the individual enters the United States and then the visa is revoked while that person is still in the United States, the revocation decision is reviewed by the U.S. courts. Giving an alien on U.S. soil the ability to appeal a revocation decision when it is based on terrorist-suspected grounds virtually annihilates the effectiveness of this antiterrorism tool.

To begin, visa revocations are not taken lightly, according to the State Department. A State Department spokesman made this comment:

> A consular officer does not have the authority to revoke a visa based on suspected ineligibility, or based on derogatory information that is insufficient to support an ineligibility finding. A consular revocation must be based on an actual finding that the alien is ineligible for a visa.

In addition, each alien gets the opportunity to explain their case, so once a consular officer notifies an alien of his intent to revoke, the consular officer must give the alien the opportunity to show why the visa should not be revoked.

I ask my colleagues to recall the 9/11 Commission Report's finding on our flawed visa policies. We know that the 19 hijackers used 364 aliases and lied on their visa applications when they applied for 23 and obtained 22 visas. Allowing aliens to remain on U.S. soil with revoked visas is a national security concern, and this amendment will close this loophole in the law so they cannot do it again.

A third issue this amendment deals with is the detention of deportable aliens. The Supreme Court has limited the period of detention of deportable aliens to 6 months after a final order of removal is issued. As a result, when the difficulty in removing an alien lasts up to 6 months, the U.S. Government has

to release the alien into the public. We have all heard the deplorable stories of some of the horrific acts committed by deportable aliens who were released into the United States after they were not removed from the country within the 6-month limit. This amendment would allow the Government to keep these aliens in custody until they can be removed and prevent them from harming American citizens.

I want to close by thanking my colleague from Texas for the work he has done on this amendment and his effort in making our country safer. This is what the American people want, expect, and deserve. This is the right thing to do, and I urge my colleagues to support this amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The junior Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I appreciate my colleague, Senator CHAMBLISS from Georgia, and his excellent remarks. I stand today shoulder to shoulder with him in endorsing Senator CORNYN in what he has brought forward to the Senate. Notwithstanding one's position on the debate of the last 3 days, I think it is ironic that we spent the last 72 hours debating whether we should give collective bargaining rights to TSA employees after we debated this 5 years ago and decided not to do that and after having spent very little time talking about 9/11 and the security of the United States of America.

What Senator CORNYN has done is taken the ideas of Senator KYL, Senator GRASSLEY, Senator CORNYN, and others and brought forward meaningful amendments that ought to be on a 9/11 bill. I sincerely hope that my colleagues, when the cloture vote comes forward tomorrow, will vote to invoke cloture so we can bring these amendments to the floor and have a meaningful addition to the 9/11 bill.

I wish to talk about three of these amendments for just a second and talk about why they are so important.

No. 1 is on recruiting. It is always good when you can tell a real life story and not just a hypothetical. About a year ago, in my hometown of Atlanta, GA, there was an announcement by the U.S. Secret Service, the CIA, and international intelligence agencies that two young men at Georgia Tech—the Georgia Institute of Technology—had been taken into custody under suspicion of terrorism. As it turns out, both of these two young men, using the library computers at Georgia Tech, were in a terrorist cell that was born in Pakistan, organized in Toronto, and was recruiting in Atlanta, GA.

Now, not because we overlooked it but because nobody ever thought about it, we have never had a statute to punish someone for recruiting terrorism. So right in my own home State of Georgia, right in my own hometown, two 21-year-old students at Georgia Tech were recruited and, fortunately, caught and, fortunately—because of the PATRIOT Act, I might add—intercepted because of the watching and the maintenance of those computers. But this was a terrorist cell, and these individuals were recruited. There is no punishment for recruiting those folks.

Al-Qaida has demonstrated and the 9/11 Commission told us that recruitment is the main source or resource of human beings for suicide bombers, for airplane hijackers, and others who would carry out the acts of al-Qaida. So, first of all, Senator CORNYN bringing this forward is absolutely appropriate.

Secondly, and briefly, Senator GRASSLEY's amendment with regard to the reviewability of the revocation of a visa is included in this package. Paint this picture for a second: All 19 of the hijackers on 9/11 got into the United States in a legal way. Most of them had overstayed their visas. But just think for a second. Had they been caught, had they been suspected of a terrorist act when they were about to commit it, and had their visa been revoked, they would have had the right to stay in this country and judicially appeal that revocation, which meant they could have stayed here even after being identified and quite possibly still carried out a terrorist attack.

To let you know how important this amendment is, I have an interesting fact for everybody to take in and digest for just a second. In 1986, when we reformed immigration in this country, we granted amnesty and created a number of legal citizens and legal visas in the United States. We also created a mechanism for judicial review. There are still two cases from the 1986 Immigration Reform Act under judicial review 21 years later. Those individuals still remain in the United States of America.

If we capture somebody for suspected terrorism and, under the disciplines we use, revoke that visa, it only stands to reason that they should not be reviewable and should be returned to the country from which they came.

Otherwise, we would be knowingly and willingly harboring someone we suspect would cause harm to the United States of America and commit a terrorist act.

Mr. President, I appreciate the time that has been afforded me. I stand in full support of the Cornyn amendment and in a sincere hope that my colleagues will vote for the motion to invoke cloture and pass this very important amendment for the safety and security of the United States of America and its people.

I yield the floor and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Chair.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 831 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DURBIN. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

IMPROVING AMERICA'S SECURITY ACT OF 2007—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 4, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 4) to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

Pending:

Reid amendment No. 275, in the nature of a substitute.

Sununu amendment No. 291 (to amendment No. 275), to ensure that the emergency communications and interoperability communications grant program does not exclude Internet Protocol-based interoperable solutions.

Salazar/Lieberman modified amendment No. 290 (to amendment No. 275), to require a quadrennial homeland security review.

Dorgan/Conrad amendment No. 313 (to amendment No. 275), to require a report to Congress on the hunt for Osama bin Laden, Ayman al-Zawahiri, and the leadership of al-Qaida.

Landrieu amendment No. 321 (to amendment No. 275), to require the Secretary of Homeland Security to include levees in the list of critical infrastructure sectors.

Landrieu amendment No. 296 (to amendment No. 275), to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Landrieu modified amendment No. 295 (to amendment No. 275), to provide adequate funding for local governments harmed by Hurricane Katrina of 2005 or Hurricane Rita of 2005.

Allard amendment No. 272 (to amendment No. 275), to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes.

McConnell (for Sessions) amendment No. 305 (to amendment No. 275), to clarify the