

Using weapons of mass destruction is different from possessing them. Now we are getting kind of narrow because we do not have a great number of examples of regimes that have used weapons of mass destruction. But maybe that alone, again, does not justify going against another regime.

Put them all together—possession of weapons of mass destruction, using the weapons of mass destruction, crossing borders and invading your neighbors, and being in the hands of a brutal dictator—now we are getting a list and we are coming very close to Saddam Hussein, as the only brutal dictator with weapons of mass destruction, who qualifies for all four of those.

But there is a fifth that comes into play as a follow-on to September 11: That is financing and harboring terrorists. Let me make it clear at that briefing, no one said there was a heavy al-Qaida presence in Iraq. Once again, people in the media are attacking President Bush for saying something that, in fact, he did not say. What was said at the briefing was Iraq sponsors terrorism, Iraq funds terrorism, and there are intelligence reports of Iraq harboring members of al-Qaida who are fleeing for their lives.

The statement was never made that there was a major al-Qaida headquarters in Iraq. The statement was simply made that terrorists run through Iraq. A number of terrorist organizations, in addition to al-Qaida, have been represented in Iraq. Iraq funds terrorism throughout the region.

Here are five different criteria, any one of which might not be enough to justify moving against a foreign government. Indeed, two or even three gathered together might still not justify moving against a foreign government. But the statement was made clearly, when you put all five together and ask yourself where in the world do you find all five at the same time, the answer is in one place and one place only: That place is Iraq.

That was the intelligence briefing I attended. That was the intelligence information I heard when I made up my mind to be in support of the President and this operation. As I said before, I do not remember—indeed, I am sure that most of the President's congressional critics—indeed, all of—the President's congressional critics in this Chamber—were not there. They did not hear the briefings.

For them to come forward now and say the President misled them, when they did not go, is disingenuous. I do not feel misled. I do not feel uninformed. I do not feel the intelligence was bad. Insufficient? Of course. Intelligence is always insufficient. But that does not mean it was deliberately manipulated; that does not mean it was planted; that does not mean anyone did anything but the very best he or she could do in good faith.

The fundamental question I posed earlier still stands. Even if you accuse the President of doing all of what his

critics are saying he did, was it bad to have gone into Iraq and toppled Saddam Hussein? Until critics either in the Congress or the media will come forward and say, we used bad intelligence to make the bad decision and the world would be better off if Saddam Hussein were still in power, they cannot, in my view, sustain their criticism. They cannot fault this President unless they are willing to say in this instance what we can say in the two other instances I have described.

Intelligence was flawed in the Sudan. Would the world be better off if we had not destroyed that plant? Yes. The intelligence was flawed in Belgrade. Would we be better off if we had not destroyed the Chinese Embassy? The answer is yes. If the intelligence was flawed in Iraq, the same question still applies: Would we be better off if we had not toppled Saddam Hussein? Until someone is willing to answer that question yes, I am not willing to give credence to their complaints about this President and this White House.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from West Virginia.

#### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004—Continued

Mr. BYRD. Mr. President, today the Senate takes up H.R. 2555, the Department of Homeland Security Appropriations bill. This is the first homeland security appropriations bill in the history of the Nation. The Senate Appropriations Homeland Security Subcommittee was created just 4 months ago. Under the able leadership of Chairman COCHRAN, the subcommittee held six hearings to review the operations of the Department of Homeland Security. I commend Chairman COCHRAN and his staff for their work on this important legislation.

The bill provides discretionary budget authority totaling \$28.521 billion, a level that is \$1.039 billion above the President's request. The bill is at the level available under the 302(b) allocation. Regrettably, the allocation for homeland security programs is inadequate. This is not a criticism of Chairman COCHRAN, nor is it a criticism of full Committee Chairman TED STEVENS. Unfortunately, the budget resolution that passed this Congress limited discretionary spending to levels below the President's already inadequate request. The budget resolution severely constrains our ability to address known threats to the safety of the American people.

With the Department of Homeland Security regularly changing the ter-

rorist level from elevated to high and back, and with the Secretary saying publicly that another terrorist attack is inevitable, the demands for homeland security spending seem endless. Our job on the Appropriations Committee is to make careful choices. Unfortunately, the budget resolution has forced us to exclude from the bill some funding that both the Congress and the President have recognized as being real needs.

All Americans, whether they live in rural communities or major cities, want to know that if there is a terrorist attack close to their homes, their local doctors and nurses have the training to treat the injured. Americans want to know that their local firemen have the ability and the equipment to handle a chemical or biological attack. Americans want to know that their local police officers are trained in identifying and responding to the variety of terrorist attacks that we could now face.

Regrettably, this bill, while providing first responder funding at a level that is \$303 million over the President's request, is \$434 million below the level that the Congress approved for the current fiscal year. The Federal Government needs to remain a full partner in local homeland defense efforts and adequate funding is essential to that task.

According to the Secretary of Defense, the United States is spending \$3.9 billion per month for the war in Iraq. Yet this bill includes only \$3.9 billion for the entire year for equipping and training our first responders. Frankly, I believe that the President and the administration have lost their focus on what really matters to American citizens; namely, the combating of terrorism and securing the homeland.

One of the mysteries about the President's budget is the budget for the Transportation Security Administration or TSA. TSA was created by the Aviation and Transportation Security Act of 2001 and was supposed to focus on securing all modes of transportation. Yet the President's budget includes only \$86 million or 2 percent of the TSA budget for maritime and land security.

Yet the President's budget includes only \$86 million.

The rest of the President's budget request is for aviation security and for administration. What about securing our ports? What about securing our trains? What about securing our subways and our railway tunnels? What about securing our buses, or securing the trucks that carry hazardous materials? In fact, the President's budget requests 2.5 times more for administering the Transportation Security Administration bureaucracy than the President does for securing the Nation's ports, trains, trucks, and buses.

I commend Chairman THAD COCHRAN for recognizing this problem and for addressing some of these weaknesses. But he simply did not have the resources available to him to deal with several well-known vulnerabilities.

For example, in November of 2002, President Bush signed the Maritime Transportation Security Act which established new standards for securing our Nation's ports. Despite the fact that the Coast Guard had estimated it will cost the ports \$5.4 billion over 10 years to implement those standards, including \$1.1 billion the first year, the President did not request a dime for port security.

The bill that is before the Senate includes \$150 million for port security grants, and I commend Chairman COCHRAN for finding the resources within the limited allocation for this important program. I hope we can do more to secure our ports.

In October of 2001, the President signed the Patriot Act, which called for tripling the number of Border Patrol agents and Customs and immigration inspectors on the northern border. In May of 2002, the President signed the Enhanced Border Security and Visa Entry Reform Act, which authorized significant new investments in Border Patrol agents and facilities. The goals with regard to Customs inspectors and border facilities cannot be met with the limited funding that was made available for discretionary programs under the budget resolution.

Under the President's proposal for the Transportation Security Administration, there is a significant gap in securing commercial airlines. Under the proposal, each airline passenger is screened before he or she gets on a plane, and each passenger's baggage would be screened before being loaded on a plane. But commercial cargo on that same plane would be left unchecked. That is a dangerous security risk that needs to be addressed. This bill adds \$30 million to the budget request to research, develop, and deploy air cargo security programs to enhance the secure transport of cargo on commercial airlines. I believe we need to do more to secure cargo on our commercial airlines.

However, with the funds that were made available to the subcommittee under our allocation, I believe Chairman COCHRAN has produced a good bill. It is balanced. It is fair. It addresses a number of weaknesses in the President's budget request that we identified during our committee hearing.

We increased funding over the President's request to equip and train our first responders. We continue to fund effective programs such as the Fire Grants Program and the All Hazards Emergency Management Performance Grants Program, which the President had proposed to consolidate into a single grant program. We increased funding for our airports to purchase explosives detection equipment and to install that equipment.

We increased funding over the President's request for the Coast Guard in order to keep the Deep Water Air and Sea Modernization Program on schedule. We recognize that not all transportation security vulnerabilities are at

our airports. We also fund grants for port security, bus security, and for securing hazardous materials.

Additionally, this legislation takes an important step to protect personal privacy. The bill delays for 60 days the expenditure of funds on implementing the Department's proposed new Airline Passenger Profiling System—CAPPS II—until the General Accounting Office conducts a study and reports to the Congress on the privacy implications of the system. We must make sure that the privacy rights of individuals are protected and that individuals who are determined to pose a threat to security have an appeal mechanism.

This is a good bill, but we must address several critical shortfalls that result from the budget resolution that put tax cuts at the front of the line and left homeland security to compete with every other Federal program for limited dollars. The result, regrettably, is a homeland security budget that leaves gaps in our security by leaving priority programs underfunded.

After 9/11, Congress passed the Patriot Act, the Maritime Transportation Security Act, the Aviation and Transportation Security Act, and the Enhanced Border Security and Visa Entry Reform Act. And the President signed them with great fanfare. But the President has done little to fulfill the promise of those laws. Now the Senate has before it the funding legislation that would either fulfill the promise of those acts or continue to leave the Nation and its citizens vulnerable.

I urge all Members to be mindful of the solemn duty to "provide for the common defense, promote the general welfare and secure the blessings of liberty for ourselves and our posterity" as we debate this important appropriations bill.

#### AMENDMENT NO. 1317

(Purpose: Fulfilling Homeland Security Promises)

Mr. BYRD. Mr. President, I send to the desk an amendment for discussion and action, not this afternoon but tomorrow or subsequently.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1317.

On page 75, Line 6, insert the following:

#### TITLE VII—FULFILLING HOMELAND SECURITY PROMISES

##### OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY CUSTOMS AND BORDER PROTECTION

For an additional amount for "Customs and Border Protection", \$238,500,000, to remain available until December 31, 2004, for which not less than \$100,000,000 shall be for border ports-of-entry infrastructure improvements, and not less than \$138,500,000 shall be for staffing at the northern border.

##### TRANSPORTATION SECURITY ADMINISTRATION AVIATION SECURITY

For additional amounts for necessary expenses of the Transportation Security Ad-

ministration related to aviation security services pursuant to Public Law 107-71 and Public Law 107-296 and for other purposes, \$100,000,000, to remain available until expended, for air cargo security.

##### TRANSPORTATION SECURITY ADMINISTRATION MARITIME AND LAND SECURITY

For additional amounts for necessary expenses of the Transportation Security Administration related to maritime and land transportation security services pursuant to Public Law 107-71 and Public Law 107-296 and for other purposes, \$532,000,000, to remain available until December 31, 2004, of which not less than \$57,000,000 shall be available for grants to public transit agencies in urbanized areas for enhancing the security of transit facilities against chemical, biological and other terrorist threats, not less than \$460,000,000 shall be for shortfalls pursuant to Public Law 108-10, for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, and not less than \$15,000,000 for inter-city bus security grants for enhancing inter-city bus and facility protection against terrorists threats.

##### UNITED STATES COAST GUARD OPERATING EXPENSES

For an additional amount for "Operating Expenses", \$70,000,000, to remain available until December 31, 2004, of which not less than \$70,000,000 shall be costs pursuant to Public Law 107-295 for implementing the Maritime Transportation Security Act including those costs associated with the review of vessel and facility security plans and the development of area security plans.

##### OFFICE FOR DOMESTIC PREPAREDNESS

For additional amounts for the "Office for Domestic Preparedness," \$729,500,000: *Provided*, That of the amount made available under this heading: \$250,000,000 shall be available for grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3711); \$250,000,000 shall be for discretionary grants for use in high-threat urban areas, as determined by the Secretary of Homeland Security; \$79,500,000 shall be for interoperable communications equipment; \$150,000,000, to remain available through December 31, 2004, shall be for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.).

##### OFFICE OF THE UNDER SECRETARY FOR INFORMATION

##### ANALYSIS INFRASTRUCTURE PROTECTION

For an additional amount for the "Office of the Under Secretary for Information Analysis and Infrastructure Protection", \$80,000,000, to remain available until December 31, 2004, for chemical facility security assessments.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there now be a period of morning business during which Senators may speak for up to 10 minutes each.