

It never occurred to me that the Constitution was anything but interesting. It is a fascinating document. And if you know the history of it, there is a piece of it that we seldom talk about here, we often forget, and that is this guarantee, this guarantee of our freedoms and our liberties in this foundational document that is drawn upon the Declaration of Independence, and that our rights come from God, clearly in the Declaration, and we are endowed by our Creator with certain unalienable rights. Among them are life, liberty, the pursuit of happiness. But those rights are even more clearly defined in the Constitution, the rights that come from God. No man can take them away, because they come from God. And the Constitution defines that.

But as we watch this Constitution get amended with decision after decision by an activist Court, we see these rights be diminished by decisions of the Court.

And so I will take us to this question, which is: The Constitution either means what it says or it does not. If it means what it says, then we are constrained by the language, and we are further constrained by the language that was the intent of the original meeting, because the founders cannot be held responsible for an evolving language or evolving values system, or any idea that it should be read in light of contemporary values.

People try to do that with the Bible and they get off base. Truth, justice, sin, virtue have always been the same. They have been the same 1,000 years ago, 4,000 years ago, and they will be the same 4,000 years from now.

But the Constitution is our guarantee. And when we deviate from that language, that strict construction, that originalist, the understanding of the guarantee that the States have all opted into voluntarily, an irrevocable bond that was established at the end of the Civil War, and we understand that guarantee must be maintained through the constraint of the judicial branch, not the activism of the judicial branch, because an active judicial branch of government undermines our Constitution, erodes our rights.

If that is the case, then what value has that document whatsoever, if you are going to let the majority of nine justices determine the future of America? We have stepped back from that now with this appointment. We need at least two more to get there. It is a long evolutionary process to see this Constitution reestablished by the Court.

We did not get here overnight. We got here over 40 years or longer. It will take at least that long to get back again. But I look for that day.

Mr. FRANKS of Arizona. Mr. Speaker, I want to thank all of these men. You know, it is said in this place that the friends you find here, you can pick your pallbearers out of them. And I certainly feel that way about these three men.

I am grateful to have the opportunity to serve at this time in history with

men that love America, that love freedom, that love their fellow human beings as much as these men do.

We have talked a lot tonight about protecting the Constitution. But you know, really, sometimes it is good for us to step back and ask why we are really here. And ultimately we are here because we believe that the miracle of life in America is something that is unique.

Mr. CARTER. Mr. Speaker, let us point out that when our founders as States decided they wanted to write a document that they were going to submit to govern our Nation by, the Constitution of the United States, they chose to sit in Congress as a group of diverse opinions representing their various States to come up with this document.

They did not ask a battery of judges to come in here and do that. They asked people that represented their States to come in and represent the interests, and they debated, as we debate here in Congress, the laws we designed, and the intent is clear, that they wanted a Congress to make the laws of this United States.

They, in *Marbury v. Madison*, set the precedent that said the Courts may interpret the laws that are made, to see if they comply with the Constitution of the United States, which is the sovereignty of our Nation.

Of course, our true sovereignty is in God; and it is clear as the gentleman from Iowa (Mr. KING) points out, we stated the sovereignty that we look to in the Declaration of Independence, where we get our rights from. And they are not given to us by our government, they come from the divine authority of God. But they went forward on that and they established the Congress to make the laws.

And I agree 100 percent that is the intent of our founders, and that is the way it is supposed to be. That is the right and proper place. And the interpretation of Judge Roberts, so adequately and effectively and eloquently presented to the Senate to educate that bunch in the last week, proves that fact.

I want to say that I am honored to be here with these four gentlemen. These are some of my best friends. Let me point out that Judge Roberts is not from any of our States. We have no parochial interest in this whatsoever. We are just glad that we have got a great jurist coming forward.

Mr. FRANKS of Arizona. Mr. Speaker, I guess he says it so well, there is so little to add. But you know, the umpire kind of corollary has been used quite a lot here tonight, and what some of us have objected to is like in the book, *The Judicial Supremacist*, when the umpire says strike 2, you are out. And that is what has happened a lot in some of these decisions lately.

The courts and some of the activist judges have simply thrown the Constitution aside and said that they are not going to follow it. That is why we

are so grateful that John G. Roberts is going to be our next Chief Justice, because he, I believe, will have the erudition and the mentality and the heart to bring the rest of the Court to reaffirm what the rule of law is all about.

And, again, we talk about the rule of law. But, really, is it not about trying to uphold our fellow human beings? Because if we were willing to let judges drag us into that darkness where this concept of the survival of the fittest prevails, and whoever was strongest prevails, then it would not matter.

But, no, we believe that all people are created by God and have a divine spark in them and that they deserve to be protected and that is what the rule of law is all about.

And I just pray that God will continue to give the President of the United States the courage and the insight and the soundness of mind to protect America and the world and this United States Constitution that has given us the greatest Republic on earth.

FUND INTEROPERABILITY REQUIREMENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Michigan (Mr. STUPAK) is recognized for 60 minutes as the designee of the minority leader.

Mr. STUPAK. Mr. Speaker, I am pleased to appear here tonight on behalf of the Democratic leader to talk about a problem that we have faced for many, many decades in this country and little or nothing is being done about.

And actually we have a very huge problem on our hands, and it is a problem that this Republican-led Congress and the administration has tried to minimize and brush aside for way too long, and that is interoperability.

Our first responders, our police, our firefighters, our sheriffs, our National Guard members, emergency medical technicians, cannot talk to each other in time of emergency, or even out on routine patrol, they cannot talk to each other across agencies, across country or across city lines. And they cannot talk to each other, to the State, to the local and Federal Governments for which they serve. We have law enforcement and first responders out trying to do their job, but what they see and what happens before them, they cannot communicate with each other.

The issue is called interoperability. Can I talk to the agencies next to me? Can I talk to that firefighter? Can I talk as a police officer to the emergency medical technician who is coming to help me?

As a former city police officer, and as a Michigan State police trooper, I can tell you that this is something that the law enforcement community has known for decades. The issue gained national attention after the Oklahoma bombing in 1995 at the Murrah Building and again on September 11.

Unfortunately after the wake-up calls this country has received, especially after September 11, this administration has simply rolled over and went back to sleep, until it was once again awakened by the arrival of Hurricane Katrina.

Local first responders, government officials, military and National Guard leaders have all said that the inability of first responders to communicate made this national crisis, Hurricane Katrina, much worse than what it should have been.

With Hurricane Katrina, we witnessed a complete communications meltdown that stretched from the gulf coast all of the way here to the Beltway. We witnessed the unimaginable horror that resulted from this meltdown. We saw babies crying. We saw older women weeping. We saw police officers running towards gunfire, unable to describe what is going on and unable to call for backup, because they had no communications.

We saw buildings burning because there was no way to notify the fire department and the firefighters who were still in the area. The communications breakdown was so absolute that the director of FEMA said he did not know until Thursday, 3 days after the hurricane, that there were over 25,000 people stuck in the hell that was once known as the New Orleans Convention Center.

We know that the inability to communicate contributed to the deaths of 121 firefighters on September 11. We do not yet know how many people died in the aftermath of Hurricane Katrina, simply because public safety officials could not communicate with one another.

But we do know that people died. We have all seen the pictures of bodies covered in sheets at the convention center. That should not have happened. Those people should not have to have died. We could see the frustration on the faces of the first responders, the medical professionals, the police, who did not have the necessary communications to get the job done and to save lives.

Despite the difficult conditions and despite the lack of communication, those first responders should be commended for a job well done with the resources this Nation gave them to work with. But we owe it to our first responders. We owe them more than just thanks, more than just honors, and more than just promises.

For once cannot we just stop the rhetoric, and I for one am sick and tired of the rhetoric and the empty promises that they will soon have interoperability, they will be able to communicate with each other, they will be able to save lives, as is their sworn duty to do.

And that is why I am down here tonight and joined by some of my Democrat colleagues. That is why we have offered amendments, written letter after letter, and introduced legislation to increase funding for our first responders for interoperability.

□ 2115

I am not alone. Democrats have been calling for more resources and more funding for your first responders year after year. Unfortunately, our voices, these calls have fallen on deaf ears of the majority party and this administration.

In the years since September 11, in 2 years Congress did allocate \$260 million for interoperability. \$260 million may sound like a lot, but the communications challenges facing this country, as we have ignored it for so long, are such a daunting task that it is estimated it will take \$18 billion for this country to finally become interconnected with their communications for public safety and first responders. So you see, \$260 million is really only a drop in the bucket for interoperability.

What is more troubling is the last 2 years this administration has zeroed out any money in the budget for the only grant program specifically designed for public safety communications upgrade. In the last 2 years requests put in it get zeroed out by the administration. And the majority party is obligated to do what the administration has been telling them to do, and they failed to provide any money specifically for first responder communications.

Shockingly, the administration continues to request no funding. Even in their most current budget, no funding, even though everyone knows and realizes that there is a lack of communications. Interoperability is a problem that must be solved to save lives and to properly respond to the disasters or terrorist attacks here in the country.

The Department of Homeland Security has solicited proposals for a \$10 billion program to make 80,000 Federal law enforcement officers and agents interoperable. The Department of Justice and the Department of Homeland Security, they want to take most of the money and make sure the Federal Government can talk to each other. That is a good start. But there are about ten times as many State and local law enforcement officers, 800,000 in the United States. We should be making sure we are making the same commitment to our State and local governments, especially after what we saw this month, that State and local governments may be on their own for days following an attack or another hurricane like Hurricane Katrina.

Why is it the Federal Government has a plan to make itself fully interoperable, but the first responders who are always the first on the scene, the first at the disaster, the first at the terrorist attack will have to wait until the Federal Government is fully interoperable? It is the local first responders who must be made interoperable first.

The lack of commitment to our country's first responders became glaringly evident this past week. As The Washington Post reported on September 2, 2005: "Police officers and National

Guard members, along with law enforcement officers imported from around the State, rarely knew more than what they could see with their own eyes."

Dr. Lee Hamm, chairman of medicine at Tulane University said three days after the hurricane, "The physicians and nurses are doing an incredible job, but there are patients laying on stretchers on the floor, the halls were dark, the stairwells are dark. There's no communication with the outside world."

Major General Harold Cross of the Mississippi National Guard said, "We have got runners running from commander to commander. In other words, we're going to the sound of gunfire, as we used to say during the Revolutionary War."

Rescuers and helicopters could not talk to the crews in the boats down below patrolling to try to save and rescue people. Three days after the hurricane, the emergency radio system in New Orleans had the capacity to support 800 users while there were three times as many trying to use that system. It was just simply overloaded.

As Louisiana State Senator Robert Barham said regarding communication, "We are no better off now than we were before September 11."

The best way we can honor these public safety officials who bravely work through the devastation is to finally provide them with meaningful investment in public safety communications. No more excuses, Mr. Speaker.

This Congress is made up of Members who are dedicated to our first responders and many Members with firsthand expertise in public safety communications. This problem has been studied for years. In fact, it has been over-studied. We on this side of the aisle have been saying for years, enough hand-wringing, enough finger-pointing. Let us get a plan and get that plan funded so that all first responders, whether they be local, State or Federal, can talk and communicate with each other at all times during disasters or terrorist attacks or just during routine regular patrol, coordinate their efforts. We know what the solutions are. So why, after all these years, have we done nothing?

Why does this Congress and this administration continue to fail our first responders? Because governing is about priorities. And it was the priority of this Congress and this administration to cut taxes for the richest Americans over investing in radios to communicate with each other for our police officers. It was the priority of this Congress and this administration to cut taxes for the richest people in this country rather than investing in a stronger emergency 911 network.

In the Committee on Energy and Commerce, a committee which I sit on, we are now going to be ordered to cut \$10 billion in Medicaid instead of investing in our health care safety net.

This Congress and this administration have the wrong priorities. Tax

cuts not only take precedence over first responder funding, but they also take precedence over allocating spectrum first responders need to better communicate. Our first responders need more spectrum because the radio channels they have now are clogged with too much traffic. The lack of spectrum is impeding their ability to talk to one another.

Getting first responders the additional spectrum they need must be a priority; but instead of doing what needs to be done, the majority insists on waiting until the reconciliation bill so they can use the spectrum sales to pay for more tax cuts for the wealthiest Americans. First responders' communications should come before any more tax cuts.

After September 11, I introduced a bipartisan piece of legislation along with the gentleman from New York (Mr. FOSSELLA) and the gentleman from New York (Mr. ENGEL) to create a dedicated funding source for public safety communications upgrades.

This sessions I again introduced the Public Safety Interoperability Implementation Act, or H.R. 1323, to create a public safety communications trust fund. Under my legislation, after an initial 3-year grant program, the funding for the trust fund would come from the future sales of the spectrum. Grants would be allocated to eligible entries to achieve interoperability, with multiyear grants available to ensure that agencies can develop a long-term plan without having to worry about funding from one year to the next or who is in charge of the budget.

Congress has been using the sale of spectrum as a budget gimmick for years. This year we are again considering the legislation to sell a block of spectrum by 2008 estimated to be worth 10 to \$20 billion. Where is this money going? The money is going to offset \$126 billion in tax cuts for the wealthiest Americans.

I think the proceeds should go to our police, our firefighters and not the millionaires. With all due respect to the people who are well off in this country, they are not clamoring for these tax cuts. It is just the philosophy of one party over the priority of needs of this great country.

Senator JOHN MCCAIN even agrees with me. He has introduced a bill to give first responders the spectrum they need and to direct the proceeds of the spectrum auctions to a public communications grant program. The companies who are going to buy the spectrum are going to use it for advanced wireless communications. But what are we going to do if we do not act now? We will continue to fail our first responders if some of the auction proceeds do not go to ensuring that public safety, first responders, and local governments can invest in the very wireless communications that will result from the sale.

It is an embarrassment that our 14-year-old students and kids in many cases have better wireless communica-

tions than our first responders. Again, I ask my colleagues in the majority, what is your priority going to be? Tax cuts for the richest of Americans or our firefighters? Tax cuts for the richest Americans or our police officers? Tax cuts for the richest Americans or emergency medical technicians?

How many more people will have to die and how many more natural disasters and terrorist attacks will this country have to endure before the excuses stop and actions begin?

What communication problems are we going to see with Hurricane Rita currently knocking on our door? We cannot continue to send our first responders out on the beat without the back-up, without the communication tools they need to do their jobs. We have the technology today to fully connect our first responders. Let us make the investment today to keep America safe.

Mr. Speaker, as I said, this is an issue some of us have been working on for a long time. We have been to this floor offering amendments. We have gone to the Committee on Rules offering amendments. We have spoken on the floor. We have asked for reports. We want to see where the money is being spent, because it certainly is not being spent on the communications our first responders need.

One of the champions, one of them who has been down here day-in and day-out working side by side on this issue is the gentlewoman from New York (Mrs. LOWEY). We also have the gentlewoman from Pennsylvania (Ms. SCHWARTZ) who is a new Member who has taken up this issue, and she will speak after the gentlewoman from New York (Mrs. LOWEY).

I yield to the gentlewoman to kindly share a few thoughts with us.

Mrs. LOWEY. Mr. Speaker, I want to thank the gentleman for organizing this Special Order and emphasizing over and over again how important this issue is.

Frankly, Mr. Speaker, it amazes me that 4 years after September 11 we are still talking about gaps in our Nation's strategy to prepare for the unthinkable, another terrorist attack. And one of these glaring gaps is the inability of first responders to effectively communicate in an emergency situation. We witnessed this 10 years ago in Oklahoma City. It resurfaced in Columbine in 1999. The problem proved to be deadly on September 11.

Of the 58 firefighters who escaped the north tower on the World Trade Center and gave oral histories to the Fire Department of New York, only three, three heard radio warnings that the north tower was in danger of collapse. People all over the city looked at it happening, but our firefighters who bravely responded did not get any kind of radio warning. We will never know how many of the firefighters who died that day while heroically rescuing thousands of workers would have been spared if they had effective interopera-

ble communications equipment to receive the evacuation orders.

In the wake of Katrina, reports from the gulf indicate that communications failures plagued our first responders once again. The lack of communication with State and local officials in New Orleans compounded FEMA's poor response.

The New York Times reported that rescuers in helicopters could not talk to crews patrolling in boats, and National Guard commanders in Mississippi had to use runners to relay orders. In 2005? We are going back to the days of Paul Revere. They had to use runners. They could not communicate. Crews on the ground could not talk to one another to coordinate searches, slowing down the rescue effort.

For years, as my good colleague just said, several of us have demanded that the administration take the necessary steps to facilitate adequate communication between first responders in the event of an emergency. These demands have gone largely unanswered. I have once again introduced legislation to require the Department of Homeland Security to create a comprehensive interoperability strategy and to authorize funding for first responders and government agencies to plan and purchase equipment.

Despite consensus, I do not know anyone that disagrees that interoperability is a problem and that first responders do not have necessary resources. The bill has not even moved out of committee.

□ 2130

The record of this majority and this administration is troubling in other ways, too. First responders also lack adequate radio spectrum for their radios to work. The gentleman from Michigan (Mr. STUPAK), my good colleague, referenced that legislation. Legislation has been repeatedly introduced to solve this, but the majority will not let it advance.

The Intelligence Reform Act that we passed last year stated the DHS, the Department of Homeland Security, must come up with a timeline for achieving interoperability by April of this year. Five months later, I have not seen the report. Has the gentleman seen the report? There is no report.

Finally, in his fiscal year 2006 budget request, the President did propose to fund the Office of Interoperability and Compatibility within the Department of Homeland Security at \$20.5 million, a 35 percent decrease from fiscal year 2005 levels, and far below the billions needed to meet this challenge. The President did not get briefed adequately when Katrina hit. When he was preparing the budget, he clearly was not briefed adequately.

Eight years ago, let me repeat that again, 8 years ago, the final report of the Federal Public Safety Wireless Advisory Committee concluded that, "Unless immediate measures are taken to promote interoperability, public safety

agencies will not be able to adequately discharge their obligation to protect life and property in a safe, efficient and cost-effective manner.”

Last week, the 9/11 Public Discourse Project found that minimal progress has been made to provide adequate radio spectrum for first responders, and Commissioner Kean has called the failed communications that slowed Katrina rescue efforts a “national scandal.”

Now, forgive me if I sound impatient or even angry, but with nearly every major study and report on homeland security concluding that lack of interoperability remains one of the most serious issues facing first responders in this country, I simply cannot understand why this administration has done little more than pay lip service to this issue. Well, it is time to do more than talk the talk.

We must do something now to ensure that in the event of an emergency, be it a natural disaster or a terrorist attack, our local police, firefighters, EMS workers, 911 dispatch operators, State police, National Guard, Coast Guard, FEMA, FBI and all other public safety agencies have the ability to communicate with one another. Hurricane Katrina is not a wake-up call that something needs to be done, it is a fire alarm. And I urge my colleagues to immediately adopt legislation to address this critical problem.

Again, I want to thank the gentleman from Michigan (Mr. STUPAK) for organizing this Special Order. I do hope that the administration and some people in the leadership are listening. I am tired, and I know the gentleman is, I am impatient and I am angry.

We have hearings in the Committee on Homeland Security. Members of the administration testify; they agree with us. We ask them, when are you going to send out requests for proposals; when are you going to seriously address this problem? We are going to do it; we are going to do it.

Katrina came. Hundreds of people lost their lives, and we still do not have a definite plan in place to make sure that people can talk to each other and communicate with each other to save lives.

So I thank the gentleman again.

Mr. STUPAK. Mr. Speaker, I thank the gentlewoman for her words and her passion, for the statement. She has been on this issue from day one. She has been a great advocate for New York and the devastation you saw on September 11. And the administration continued to say, the gentlewoman is right, threw a little bit of money the first year, second year; but 3 years later, the last 3 years, the budget proposal by the President and approved by the majority party, the Republican Party in this Congress has zeroed out the only program specifically set up to develop interoperability.

Through the objection of the gentlewoman from New York (Mrs. LOWEY) and the gentlewoman from Pennsyl-

vania (Ms. SCHWARTZ) and myself, by the gentleman from New Jersey (Mr. PASCRELL), a number of us have come down here repeatedly, saying we have got to fund this program. They say, we will get to it, we will get to it, we will get to it. Even before Hurricane Katrina hit, some of us said, have you got your interconnectability ready? We know that technology exists. The military has it. Why can we not use it? Once again, it is, we will get to you. We are getting tired of that excuse. So I appreciate the gentlewoman's help and leadership on this issue.

Next, I would like to yield to the gentlewoman from Pennsylvania (Ms. SCHWARTZ), who is a new member of our caucus and has done a wonderful job. She has really been concerned about what happened in the terrorist attack of September 11; and of course, Pennsylvania was part of the September 11 tragedy. We all know too well the lack of communications, how it hindered our operations, even our communication, to know what is going on, whether it was in the air or on the ground in Pennsylvania.

So, with that, I yield to the gentlewoman from Pennsylvania (Ms. SCHWARTZ), my friend.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I do appreciate the opportunity to speak with my colleague. Mr. Speaker, I thank the gentleman from Michigan for organizing this evening's conversation on first responder communications.

This past weekend, I joined with other Members of this body on a fact-finding mission to the gulf shore communities which have been ravaged by Hurricane Katrina. I was struck by several things, two particularly relevant to this evening.

First, I felt, as so many other witnesses have felt, that the images on television, on the Internet, in the printed press, do not do justice to the enormity of the devastation.

Second, I was moved by the sense of shared duty among the first responders who have arrived on the scene from all across this Nation.

These police officers, firefighters, medics and National Guardsmen and -women came to the distressed gulf coast region, and many of them came voluntarily because they saw their fellow Americans in need of help. They came because they felt duty bound to their brothers and their sisters, their fellow Americans, most of whom they had never met.

Mr. Speaker, we in this body are also duty bound. It is our duty to ensure that our first responders have the tools that they need to protect and serve any community in this Nation, under any circumstances.

We seemed to understand this responsibility after the tragedy of September 11. Our respect and admiration for the role of first responders in New York and here in Washington and in Pennsylvania was to be matched by a Federal commitment to address some of

the difficulties that they faced in the minutes and hours after the plane struck. However, what we found in the aftermath of Katrina was that our first responders still lack the tools that they need to be most effective.

Four years ago, almost to the day, evacuation orders were not heard in the towers of the World Trade Center because the police, the firefighters and other emergency personnel simply could not speak to each other. And just weeks ago, in the days following Hurricane Katrina, similar problems hampered initial search-and-rescue, security, and relief efforts.

Those of us who are participating in this evening's discussion, along with many of our colleagues who could not be with us this evening and Americans across the country, were alarmed by the lack of leadership coming from the Federal Government, particularly the administration, in preparation for and in response to Katrina.

The American public was rightfully disappointed, if not horrified, by the Nation's state of preparedness, which appeared to be so woefully inadequate, despite our past experiences and promises from this administration to do better.

Over the past 4 years, members of this body, like my colleague from Michigan, like my esteemed colleague from New York, have worked tirelessly to prod the Department of Homeland Security to provide our Nation's cities with standards for interoperable communications. As a State senator in Pennsylvania, I authored and passed a resolution calling on Congress to act; yet this guidance has not yet come.

So as we await leadership from the Department of Homeland Security, communities across the Nation are working to equip themselves with the technology necessary to enable various local and regional first responders to seamlessly communicate in the event of an emergency or mass incident, and they are doing so because they cannot afford to wait.

In my region, the Philadelphia Police Department, along with Southeastern Pennsylvania Transit Authority officials, are working to address the fact that their radio systems are not compatible, making it virtually impossible for them to communicate should a coordinated response be necessary in any of our subway tunnels, as might have happened, and did happen in London.

I have been working closely with city and transit officials to find interim remedies to this problem, but the Federal Government should be enabling them to implement a long-term solution. This is what is required nationally.

The President must propose, and Congress must act, to provide a dedicated radio spectrum for first responders.

The Department of Homeland Security must establish Federal standards for interoperability.

The President should request, and the Congress should provide, the funding necessary to implement these goals.

Mr. Speaker, I stand with the gentleman from Michigan (Mr. STUPAK) tonight to say that the time for these actions is now. Our communities and our citizens across the Nation cannot wait.

Mr. STUPAK. Mr. Speaker, I thank the gentlewoman for coming out and joining us tonight on this Special Order. I was really interested in some of those recommendations she made here earlier tonight. Those are many of the recommendations we have heard for years and failed to act upon. Even the planning money that was to be for this national operability, so they will be coordinated together, has been zeroed out in the budget.

Then we have Hurricane Katrina, and it just emphasizes the devastation that occurred and the lack of knowledge and response. People are saying, well, why did we not know? We did not know because there are no communications. We cannot continue to say the excuse we did not know, because we had the opportunity to do this. This has been going on since I worked the road some 20 years ago, and trying to communicate with each other. Unfortunately, we had these tragedies, but maybe we can use this opportunity in a positive light to learn something from this and maybe get some interoperability. I certainly appreciate the gentlewoman's leadership and compassion for those who have suffered so much in Hurricane Katrina.

Mr. Speaker, last Thursday, ABC News, Ted Koppel, the headline, "Primetime Moment of Crisis: System Failure." I am not talking necessarily about the lack of communication and who should have done this or not. I just want to talk for a moment about what they saw in this Primetime program last Thursday on communications, just communications.

We start with Greg Meffert. I got the transcript of the show because it was so revealing of so many of the problems they had just through lack of communication.

Mr. Meffert says, "The only communication we had was a laptop that we brought, and it had a wireless broadband card that worked all the way up into the Hyatt." The Hyatt was where the mayor of New Orleans had his command center. "So the mayor and the chief and all of us were getting our information via this little laptop. Finally, the Internet feed goes out."

Ted Koppel says: "It was one in a series of communications breakdowns that would contribute to untold suffering and a still untallied number of deaths. At 8:14 central time, the National Weather Service issued a bulletin reading, 'flash flood warning, a levee breach occurred along the industrial canal at Tennessee Street.' The problem was that by the time the bulletin went out, the hurricane had been battering the city for hours. Elec-

tricity and phones were out. So most people neither saw nor heard the warning. Officials in Washington seemed totally oblivious to the bulletin."

Going on, on Ted Koppel, Live Primetime last Thursday, Michael Chertoff said, "We are extremely pleased with the response that every element of the Federal Government, all of our Federal partners have made to this terrible tragedy."

Ted Koppel: "If Secretary Chertoff was pleased, it could only have been because he had no notion of what was actually happening on the ground in New Orleans. Between 20 and 30,000 people were stuck inside the Superdome. There was no more food and water. The toilets overflowed long ago. While those inside were supposed to be bused to the Houston Astrodome, the streets were flooded and there weren't enough buses available anyway."

□ 2145

Let me go on. Here is what the President said: "I don't think anybody anticipated the breach of the levees. They did anticipate a serious storm, but these levees got breached. And as a result, much of New Orleans is flooded, and now we're having to deal with it and will."

Ted Koppel: "The President is correct. Nobody did anticipate the breach of the levees, but they did predict that the levees would be flooded. At Toru Hospital, 10 patients have died overnight. There was only one working telephone in the entire hospital and a small staff which was low on supplies. They were forced to make some very tough choices. Correspondent Bob Woodruff was there."

Female doctor: "What we're doing today is, the physicians are going around and evaluating every patient. If they can say their name, we're giving them an IV fluid to make their tank better, to kind of give them a boost."

Bob Woodruff: "What if they can't say their name?"

Doctor: "We're not giving them IV fluids. We consider them not viable."

Going on, underneath this report last Thursday, Lieutenant General Russell Honore, U.S. Army.

The reporter asked: "Will these people be out of New Orleans by sundown?"

Lieutenant General Honore says: "No, how do you move 20,000 people by sundown? No, hell no."

Ted Koppel: "Having heard reports of guns inside, SWAT teams and the military arrived with weapons locked and loaded. From the perspective of those stranded inside, the rescuers looked more like men prepared to put down a prison riot."

President George W. Bush: "I'm pleased to report that the convention center is secured. One of the objectives we had today was to move in and secure the convention center."

Ted Koppel: "It would be one more day before the buses finally came."

President George W. Bush: "I'm going to fly out of here in a minute,

but I want you to know that I'm not going to forget what I've seen. I understand that the devastation requires more than just one day's attention."

I would like to hold the President to his words because I came here tonight to talk about public safety communications and the failure of this Congress and the Bush administration to adequately respond to the communication needs of our first responders. Sadly, we in law enforcement and in Congress who work on these issues were not surprised by the lack of communication after Katrina. Much of that transcript which I read we were not surprised by.

We have seen many examples of crises where first responders could not communicate, going back to 1982, with the plane that left Washington National and crashed into the Potomac, or take the Oklahoma bombing at the Murrah Building in 1995, or the California forest fires in 2003, and September 11. We just experienced Hurricane Rita knocking at our door.

Mr. Speaker, that is why I have been working for years to make the needed investments so that firefighters and police can talk to each other, so that police can talk to EMTs, so that officials can talk to ambulances, so that the medical personnel that people need to get better or to be rescued can talk and communicate and save lives. We thought we finally made some progress when President Bush said, and this is what he said in January of 2002 in talking about 9/11, the President said and I quote: "It is important that we understand in the first minutes and hours after an attack that that is the most hopeful time to save lives, and that is why we're focusing on the heroic efforts of those first responders. That's why we want to spend money to make sure equipment is there, strategies are there, communications are there, to make sure that they have whatever it takes to respond."

I agree with the President 100 percent; but, unfortunately, I say they are empty words. What did the President say and what did he close with on the Ted Koppel show last Thursday? He said: "I'm going to fly out of here in a minute, but I want you to know that I'm not going to forget what I've seen. I understand that the devastation requires more than one day's attention." With all due respect, Mr. President, we are pushing 3 years, over 3 years since you gave us almost similar words after 9/11. There has been scant follow-through, very little planning, very little standards-making, and minuscule funding for interoperability.

Evidently, former FEMA Director Brown was surprised by the meltdown. Even he told CBS News that the agency failed to anticipate "the total lack of communication, the inability to hear and have good intelligence on the ground about what was occurring there."

Perhaps FEMA Director Brown should have read the report published

by the U.S. Conference of Mayors, which I have cited many times on this floor before. According to the U.S. Conference of Mayors report released in June of last year, more than 80 percent of our cities are not interoperable with Federal agencies. New Orleans is and was one of those cities. This means that in the event of a terrorist attack or another natural disaster, far more than three-fourths of the United States cities would be woefully unprepared to coordinate responses and communicate effectively to be safe, to be secure, and to do their job.

Here are some more troubling numbers from that U.S. Conference of Mayors report: 97 percent of cities are unprepared to communicate during a chemical plant disaster; 94 percent of the cities are unprepared to communicate during a rail disaster, much like we saw in Chicago this last week; 92 percent of the cities are unprepared to communicate during a seaport disaster.

Clearly, our local public safety agencies are no closer to being interoperable than they were 3 years ago, 5 years ago, 20 years ago, or in 1982 when the plane went down in the Potomac, or even 20 years ago when I worked the road as a Michigan State Trooper. It all points back to the fact that public safety communications have not been a priority for this Congress or this administration.

The estimates to make local, State, and Federal first responders interoperable are as high as \$18 billion, yet only \$260 million has been provided specifically for these upgrades; and the President continues to zero out funding for this program in his budget requests.

Mr. Speaker, my legislation would take communications funding away from the whims of the congressional appropriation process and away from the President. H.R. 1323 would set up a public safety communications trust fund, and revenue from that fund would come from the sales of the spectrum. My bill would dedicate 50 percent of the net revenue from future spectrum sales into a public safety trust fund. By dedicating these funds from the sale of the spectrum, we would ensure that funding would be set aside no matter what happens in the annual appropriations process.

Local agencies cannot afford to upgrade their communications equipment without Federal assistance. I believe that Federal assistance is more than justified when the Federal Government repeatedly calls upon local first responders to be even more vigilant and to be even more prepared for possible acts of terrorism and, now, from natural disasters.

In fact, the 9/11 Commission report outlines a similar recommendation. The report states: "The inability to communicate was a critical element of the World Trade Center, Pentagon, and Somerset County, Pennsylvania, crash sites where multiple agencies and multiple jurisdictions responded. The occurrence of this problem at three very

different sites is strong evidence that compatible and adequate communications among public safety organizations at the local, State and Federal levels remain an important problem. Federal funding of such interagency communication units should be given high priority."

Last week, the former Republican Governor of New Jersey and co-chair of the 9/11 Commission said their recommendations have not been heeded. Governor Thomas Kean said, "It's the same thing all over again. It's a lack of communication, first responders not being able to talk to each other. It's no command and control, nobody in charge; it's delayed responses. It's basically many of the things that, frankly, if some of our recommendations had been passed by the U.S. Congress, that could have been avoided."

Some may argue that local agencies can apply for grants under the Department of Homeland Security State formula block grants. They argue that money can be used for interoperable communication systems. Well, Mr. Speaker, I have been out on this floor and I have offered amendments on the House floor to find out how much money has gone to interoperability. I have received incomplete and delayed responses from the Department of Homeland Security. They have no idea how much money. They can tell you how much money has been spent, but they cannot tell you how much money from these grant programs has been spent on interoperability in 2002 or 2003.

They just recently figured out how much has been spent for 2004, but they are not sure if it went to interoperability or not. They sort of think some of it did. That does not say much about the oversight or the planning from the Department of Homeland Security about where the billions of dollars of State formula grant money has gone.

Finally, Mr. Speaker, this administration must develop a plan and standards to give State and local officials some guidance. There has to be minimum standards setting. We have been saying this for years. It does not cost that much to set them, but it has not been done. The folks at SAFECOM, which is one of the departments within the Department of Homeland Security that is in charge of developing these standards, SAFECOM, charged with developing these standards, told Congress last year that "at the rate we're going, it will be another 20 years before our public safety agencies are fully interoperable." Another 20 years.

I do not know about you, Mr. Speaker, but I am sure the American people would agree with me that we do not have another 20 years. Another terrorist attack on the U.S. is not a question of if, but when. Another hurricane is approaching the gulf as I speak here tonight. Public safety is not an issue where the administration and Congress should continue to drag their feet. Yet here we are, 4 years after 9/11, still at

square one. It is a disgrace, and it must be changed.

I hope that tonight we have helped to enlighten the American people and that interoperability becomes a reality and not a fiction or a dream that many of us in law enforcement have had for more than 20 years. Maybe the words of the President after 9/11 and after Hurricane Katrina, when he says he is going to jump on his plane and do something about it, we will actually get to work and do something now. We cannot take any more natural disasters like the one we saw in the last few weeks on TV because we are unprepared, because we cannot communicate, because we do not have intelligence on the ground, because those who are sent in to do the job cannot talk to each other.

How much longer does this have to go on? I hope and pray not much longer.

DISASTER BRINGS OUT THE BEST IN HUMAN NATURE

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I wanted to take this opportunity briefly to just say that in the aftermath of this terrible natural disaster known as Katrina we certainly have heard a lot of name-calling and finger-pointing on both sides of the aisle in regard to who might be responsible, who did good, and who did bad. I think at the end of the day, after we have an opportunity in this House to thoroughly investigate that, we will have answers to those questions.

In the meantime, Mr. Speaker, I just wanted to let my colleagues know that when I had an opportunity to go down to Baton Rouge to one of the shelters over the Labor Day weekend, I did not see the worst in human nature, as depicted in some of the TV scenes with the looting and the crime in the immediate aftermath of the levee break. I saw the best of human nature. I saw people pulling together, working hard; the Red Cross folks and volunteers doing all they could, driving down to Baton Rouge or trying to get down into the gulf coast or into Mississippi or New Orleans; just dropping everything and taking days off work and bringing supplies. It was really an amazing show of the best in human nature.

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It is something that I want to tell my colleagues that have not seen that side of the issue, a lot of good is coming out of this natural disaster. Hopefully we will continue to see that good as we help the people in the gulf coast, and particularly in the city of New Orleans, put their lives back together.

Mr. Speaker, I appreciate the time to touch on this. As we go through this week and the next several weeks, we will be talking more and more about this, hopefully during Special Orders,