

is why, in the 2002 Homeland Security Act, Congress prohibited any diminution in Customs trade facilitation and enforcement functions. And we prohibited any reduction or consolidation of the personnel performing those functions.

In violation of that act, personnel dedicated to revenue collection and trade enforcement are increasingly being asked to assist with port security-related functions for which they are neither trained nor equipped. Since 2003, trade personnel numbers decreased by as much as 15 percent.

This legislation reverses this damaging trend by requiring Customs and Border Protection to restore personnel vital to its commercial mission. At the same time, we ensure sufficient numbers of security-focused personnel by adding uniformed officers at every one of our Nation's ports. We can do both, and we need to do both.

The legislation also creates an Office of International Trade within Customs and Border Protection. The new office would be headed by an Assistant Commissioner for International Trade, reporting directly to the Commissioner.

This office is responsible for supervising and giving policy direction to employees before the agency's commercial and revenue functions. This structural change is designed to give voice to the concerns of commerce. It will guarantee that the concerns of commerce receive due consideration.

And an International Trade Policy Committee within Customs and Border Protection will assist the Commissioner in coordinating with the Assistant Secretary for Policy. The committee will help them implement policies related to the commercial customs and trade facilitation functions within the Agency.

Mr. President, if security at our ports is compromised, then the international trade that drives our Nation's economy could grind to a halt. But if security at our ports does not protect the overall health of the international commerce system, then that would not provide Americans real security. We need to do both.

I am very pleased with the legislation before us. We still need to address other critical transportation security issues, such as rail and transit security, which this legislation doesn't do. But the pending amendment is a critical component of a national strategy on homeland and economic security.

This legislation would not have been completed without the tireless efforts of my colleagues. I thank and commend Senator INOUE, Senator STEVENS especially for his very helpful work, MURRAY, COLLINS, LIEBERMAN, COLEMAN, and my dear friend, the chairman of the Finance Committee, Senator GRASSLEY.

Too many staff to name have worked countless hours to get this legislation ready, and I thank them.

Working together, I believe we have created something that both safe-

guards our Nation's ports and protects American prosperity. America needs us to do both. That is why America needs us to pass this important legislation.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from Maine is recognized.

REMEMBERING SEPTEMBER 11 ATTACKS

Ms. COLLINS. Mr. President, 5 years ago, our Nation experienced one of its darkest days and finest hours. With shocking suddenness, an act of unparalleled cruelty transformed the late-summer morning of uncommon brilliance into one of unfathomable horror. On that awful morning, September 11 was transformed from a mere point on the calendar into an eternal monument to the deepest human emotions of loss, of sacrifice, and of resolve.

We pause today to remember those whose lives were taken that terrible morning—2,996 innocent men, women, and children, workers doing their jobs, travelers embarking on trips. Men and women like Robert and Jacqueline Norton of Lubec, ME boarded Flight 11 to celebrate a son's wedding in California. In the days just before the trip, the Nortons planted new raspberry bushes in their garden and Robert, at age 85, helped repair the concrete steps at their church.

At age 85, Robert Norton was the oldest to perish that day. At age 2, Christine Hanson of Groton, MA, was the youngest. She was traveling with her parents to that place of childhood dreams, Disneyland. The aircraft that was to take the Hanson family on their dream vacation instead was driven into the North Tower. There, on the 92nd floor, were John and Sylvia Resta of Queens, NY. They worked together and on September 11th they died together. Resta was seven months pregnant.

The Pentagon that morning was filled with men and women who had dedicated their lives to serving their country. Among them was Commander Robert Schlegel. After his 1981 graduation from Gray-New Gloucester High School in Maine, he went to college, married his high-school sweetheart, Dawn, and followed a tradition set by his father and two brothers by joining the United States Navy. His 15-year Naval career was one of achievement and courage. Among his many commendations were the Meritorious Service Medal, four Navy and Marine Corps Commendation Medals, and the Purple Heart. Shortly before September 11, he had been promoted to the rank of Commander. His new office, on the second floor of the Pentagon, believed to be the point of impact of Flight 77.

Each of these names, and the names of so many more, represent lives of accomplishment, contribution, and promise. Each loss leaves a wound in the hearts of families and friends that can never be fully healed.

But September 11 was not just a day of personal tragedy. It was an attack

on the United States, an attack on freedom, an attack on civilization. We must never forget what was lost, and what remains at stake.

We also pause today to remember the heroes whose courage saved countless lives then, and who continue to inspire us. Yamel Merino, of Yonkers, NY, was described by colleagues as the perfect EMT. She gave her life while helping the injured near the World Trade Center when the first tower collapsed.

After an outstanding career with the FBI, John O'Neill became head of security for the World Trade Center. He exited the building safely after the first of the two hijacked planes hit, but re-entered when he saw the extent of the damage and the danger to others. He saved lives, but could not save himself.

After his safe exit from the Pentagon, Staff Sergeant Christopher Braman rushed back into the burning building, returning again and again to find survivors and to carry them to safety. He stayed on the scene for the next 3 days, working past exhaustion, saving lives with the search and rescue skills the U.S. Army had taught him.

In the days and weeks immediately following the attacks, we were moved by the selfless courage of the men and women—passengers and crew—aboard Flight 93. By wresting control of that aircraft from the terrorists, they knowingly gave their lives so that others might live. Todd Beamer's Let's Roll! became our Nation's rallying cry.

Last month, additional recordings of emergency calls made that terrible morning were released. One contains a statement that describes with eloquent simplicity the spirit of September 11. Amid the suffocating smoke, searing flames, and falling debris of the South Tower, the last words Fire Captain Patrick Brown spoke from the 35th floor to the outside world were these: "We're still heading up."

We may never know where the courage to keep heading up into such danger comes from. We must always honor it. We must never forget.

As we pledge to never forget what was lost and what was given on September 11, we must in the same breath pledge to do all that we can to prevent future attacks. We can offer no guarantee, but that must be our goal.

The fundamental obligation of Government is to protect its people. Since September 11, we have done much to meet that obligation. Immediately after the attacks, we passed legislation to close the gap between law enforcement and intelligence that the terrorists exploited. The reauthorization signed into law earlier this year makes permanent many provisions from the original law that are important to protect Americans from terrorists. Equally important, it contains significant new safeguards that protect the civil liberties we cherish but that the terrorists despise.

We created the Department of Homeland Security to provide a unifying

core to the vast effort of detecting and preventing terrorist attacks, assessing and protecting our vulnerabilities, and improving our response to disasters of all types. We have made great investments in training and equipping first responders throughout the nation. We have strengthened our borders with additional personnel, better coordination with State and local authorities, and cutting-edge technology so that they remain open to our friends but increasingly closed to our enemies.

We passed the Intelligence Reform and Terrorism Prevention Act of 2004, which Senator LIEBERMAN and I authored. This legislation, based on the recommendations of the 9/11 Commission, brought about the most comprehensive reforms of our intelligence community in more than a half century so that the trail of dots terrorists leave behind as they plan, train, and organize will never again be left unconnected. This newly restructured intelligence community has uncovered terrorist plots, cells, and financing operations, and it played an important role in thwarting the scheme to blow up transatlantic airliners that was exposed in Britain last month.

Today we are on the brink of passing the GreenLane Maritime Security Act. America's seaports are vital to our economy, but at the same time they offer a port of entry for those who would do us harm, or for devastating weapons. This bipartisan legislation will help build a coordinated approach to maritime and port security across all levels of government with our overseas trading partners. I urge my colleagues to take this major step toward protecting these valuable and vulnerable facilities.

We have taken many such steps. None was easily taken. All were accompanied by controversy, conflict, and reasonable differences of opinion. Yet, working together, we found a way.

Each, however, remains a work in progress. DHS has yet to develop the cohesion, the common culture, that is needed for its complex mission. First responder grants to the States still lack the accountability and effective measures of progress needed to prevent the waste of taxpayer dollars. Ongoing shortages of detention space and personnel still leave our borders at risk, despite the many improvements that have been made.

Other gaps remain. Ten million Americans live and work in proximity to plants that produce, use, or store large quantities of hazardous chemicals and, indeed, if one talks to the experts, over and over again you will hear them identify the security of our ports and our chemical facilities as major vulnerabilities. We are about to complete action this week on port security legislation. I hope we will turn to chemical security legislation as well. There is no question that attacking these facilities fits squarely within the terrorist strategy of causing maximum harm to our people and to our prosperity.

Yet 5 years after 9/11, America is left vulnerable by an incomplete and inadequate patchwork of laws and voluntary industry standards that too many facilities fail to observe. The Homeland Security Committee approved our bipartisan Chemical Facility Anti-Terrorism Act more than 3 months ago by a unanimous vote. For the first time, our legislation would ensure that high-risk chemical facilities are covered by Federal standards that would not only help to deter terrorist attacks but also to mitigate the consequences of an attack.

Our legislation would give the Department of Homeland Security the strongest possible remedy to ensure compliance: the authority to shut down any chemical facility that does not adequately address the risks of a terrorist attack. Unless this legislation moves forward, these highly attractive terrorist communities, large and small, will remain without the protection they require.

The heroes of 9/11 faced grave danger and made great sacrifices in order to save others. They performed magnificently despite being hampered by obsolete and incompatible communications equipment that placed them in needless peril and resulted in needless loss of life. That should be a major national priority for our country to solve once and for all the issue of first responders being able to communicate with one another in the midst of a disaster, whether it is a terrorist attack or another hurricane, such as Hurricane Katrina.

The Post-Katrina Emergency Reform Act, which Senator LIEBERMAN and I introduced, contains strong provisions to establish a comprehensive national emergency communications strategy and provide State grants for interoperable communications. It is time to act on this legislation—we must never again send our first responders into harm's way with a deficiency that has been so thoroughly revealed.

Perhaps our greatest challenge, however, is to recognize that terrorism continually evolves. As the devastating attacks in Madrid, Bali, Istanbul, Beslan, London, and Israel prove, terrorists will strike wherever opportunity allows and wherever innocent people are the most vulnerable. The terrorists' resourcefulness, cunning, and patience are exceeded only by their cruelty.

Indeed, one of the most striking findings of the 9/11 Commission was that the September 11 attacks were made possible by a failure of imagination. Commercial airliners had long been a target of terrorists. The conventional wisdom was that they would be targeted in two ways: to hijack for the purpose of taking hostages or to blow up in midair. To envision airliners being hijacked to use as missiles would have taken some imagination, but it was not unimaginable.

We all remember one of the striking findings of the 9/11 Commission that

the September 11 attacks represented a failure of imagination. How different things might be today if 5 years prior to September 11, 2001, our imagination had been fully engaged.

Mr. President, 1996 was the year that Ramzi Yousef, while awaiting trial for the 1993 World Trade Center bombing, was convicted of a conspiracy to plant bombs on a number of U.S. airliners operating in East Asia, and of placing the bomb that exploded on a Philippine airliner the previous year.

Mr. President, 1996 was the year of the truck bomb attack on Khobar Towers that specifically targeted U.S. military personnel.

And 1996 was the year that Osama bin Laden relocated from the Sudan to Afghanistan, established a new base of operations under the protection of the Taliban, and declared war on the United States.

The terrorist strategy was evolving 5 years prior to 2001 to direct massive attacks on high-profile American targets, but we failed to see that these seemingly isolated events were, in fact, tied together.

In the aftermath of 9/11, we learned that although the terrorists targeted high-profile targets in major cities, they did much of their planning, training, and transiting in smaller communities—communities such as Stone Mountain, GA, Norman, OK, and Portland, ME. It may be that they believed these locations shielded their activities from the scrutiny they would have been subjected to in their larger, more terrorism-savvy target locations.

Today there is no question that the tactics of terrorists have evolved. As the recent arrests in Canada and Miami, the attacks on the London subway of a year ago, and the thwarted airliner plot in Britain have made clear, terrorist masterminds no longer have to rely on operatives imported from abroad to infiltrate target nations and carry out attacks. The emerging threat is from home-grown terrorists. They are far harder to detect, and increased border security will not protect us from them.

Whether the target we seek to protect is a cargo port, a chemical plant, a public water supply, the electric grid, or the information technology networks critical to our economy, it does not take a stretch of imagination to see that an attack can come from within just as easily, perhaps more easily, than from overseas.

From John Walker Lindh, we already know the most extreme ideology can take root even among those who enjoy the most privileged circumstances our society can offer. As the details of the British airliner plot emerge, it becomes evident that home-grown terrorists, working in conjunction with masterminds overseas, can be every bit as sophisticated as the imported terrorists who attacked us on 9/11.

What is particularly alarming is the evidence that this infection is being spread within our State and Federal

prisons, and this is an area that the Homeland Security Committee will hold a hearing on next week.

Richard Reid—the infamous shoe-bomber—and Jose Padilla both were indoctrinated into Islamic extremism while in prison. Less well known, but equally lethal, is Kevin James, a self-styled Imam who, while a California State prison inmate, founded an organization based upon his radical interpretation of Islam. James recruited among his fellow inmates, allegedly instructing them that it was their duty to kill his perceived enemies of Islam—in particular U.S. military personnel and supporters of Israel. Upon their release, his followers reportedly conducted surveillance on military installations, the Israeli Consulate, and synagogues. It is alleged that they sought firearms with silencers and also explosives and that they financed their operations through a string of armed robberies in the Los Angeles area. These operatives have been arrested and they face trial next month.

The new face of terrorism—born and raised in America, in Great Britain—has been exposed. This new face of terrorism will challenge us, perhaps as much or even more as Osama bin Laden has challenged us. But this is the reality that we must confront. We must not allow our imagination to fail us again.

Five years ago, in what seemed like a moment, September 11 was transformed from a day like any other day into one that for as long as our Nation stands will stand alone. The loss that we relive this day reminds us of the value of all that we must protect. The heroism reminds us of the unconquerable spirit of the American people. Our accomplishments remind us that we can meet any challenge with decisive action and a sense of unity. As long as we keep the meaning of this day of remembrance in our hearts, I am confident that we can meet any challenge that lies ahead.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INOUE. Mr. President, what is the pending business?

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

The PRESIDING OFFICER. Under the previous order, the hour of 4 p.m. having arrived, the Senate will resume consideration of H.R. 4954, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

Pending:

Stevens (for DeMint) amendment No. 4921, to establish a unified national hazard alert system.

McCain modified amendment No. 4922, to provide increased rail transportation security.

Mr. INOUE. Mr. President, we are ready to proceed, but other Members are not here. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4926 TO AMENDMENT NO. 4922
(Purpose: To provide improved rail security)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask that it be considered to the pending bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. INOUE, Mr. MCCAIN, and Mr. LAUTENBERG, proposes an amendment numbered 4926 to amendment No. 4922.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. STEVENS. Mr. President, this second-degree amendment offered by Senator INOUE and myself, with Senators MCCAIN and LAUTENBERG as cosponsors, simply adds the additional rail security provisions of S. 1052, the Commerce Committee's Transportation Security Improvement Act of 2005, to the McCain amendment. The provisions in the second-degree amendment address rail worker security training, rail security public awareness, hazardous materials threat mitigation, railcar tracking, and update a few of the provisions that are in Senator MCCAIN's provisions.

Taken together with Senator MCCAIN's Rail Security Act of 2005, which Senator McCain offered to this bill, this amendment and Senator MCCAIN's bill will form the rail security title of S. 1052 that was unanimously supported by the Commerce Committee. It is supported by both the railroads and the rail workers, and I urge its adoption.

I again say it is an amendment cosponsored by Senator INOUE, myself, Senator MCCAIN, and Senator LAUTENBERG.

Mr. INOUE. Mr. President, I associate myself with the remarks of the Senator from Alaska, our chairman.

Mr. STEVENS. I urge the adoption of the second-degree amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4926.

The amendment (No. 4926) was agreed to.

Mr. STEVENS. I now ask for approval of Senator MCCAIN's amendment, as amended.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4922, as amended.

The amendment (No. 4922), as amended, was agreed to.

Mr. STEVENS. I ask unanimous consent to reconsider both those actions at the same time. I ask that they be reconsidered and the motions be laid on the table.

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

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

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

Mr. STEVENS. Mr. President, I ask unanimous consent Senator CLINTON be added as a cosponsor to the Stevens second-degree amendment to Senator MCCAIN's amendment No. 4922.

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

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

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

AMENDMENT NO. 4927 TO AMENDMENT NO. 4921

Mr. STEVENS. Mr. President, I send to the desk an amendment proposed by Senator DEMINT for Senator INOUE and myself, to the amendment numbered 4921, proposed by Senator DEMINT. I ask it be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DEMINT, for himself, Mr. STEVENS, and Mr. INOUE, proposes an amendment numbered 4927 to amendment No. 4921.

Mr. STEVENS. I ask unanimous consent the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. STEVENS. I ask unanimous consent this be considered a complete substitute for the DeMint amendment.

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

Mr. STEVENS. I am pleased to offer this amendment on behalf of Senator DEMINT. The second-degree amendment clarifies some issues in the legislation