

same: they would leave Americans more vulnerable and Iraqis at the mercy of al-Qaida, a terrorist group whose aim toward Iraqis and Americans is clear.

If Democrats spent half as much time fighting terrorists as they do this administration, America would win this war a lot faster.

Democrats claim to be the only ones who care about what Americans think, but Americans can see through their posturing. Compassionate rhetoric without a real plan for action is nothing more than an empty promise.

Republicans are committed to securing our homeland and have backed up that talk with action. Like my colleague, Senator ISAKSON, I invite my Democratic colleagues to join us in honoring the sacrifice of those who have already given their lives for freedom by providing real hope and security for all Americans instead of just partisan rhetoric.

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

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

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. MURRAY. Mr. President, what is the pending business?

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

#### SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now 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:

Reid amendment No. 4936, to provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror.

Schumer amendment No. 4930, to improve maritime container security by ensuring that foreign ports participating in the Container Security Initiative scan all containers shipped to the United States for nuclear and radiological weapons before loading.

The PRESIDING OFFICER. Under the previous order, the time until 12:15 p.m. shall be equally divided in the usual form.

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside in order that I may send an amendment to the desk.

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

AMENDMENT NO. 4967

Mrs. MURRAY. Mr. President, I send an amendment to the desk on behalf of Senator STABENOW and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. STABENOW, for herself, Mr. LIEBERMAN, Mr. LEVIN, Mr. SCHUMER, Mr. DURBIN, Mrs. BOXER, and Mr. DAYTON, proposes an amendment numbered 4967.

Mrs. MURRAY. 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 as follows:

(Purpose: To authorize grants for interoperable communications)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ EMERGENCY COMMUNICATIONS AND INTEROPERABILITY GRANTS.

(a) IN GENERAL.—The Secretary, through the Office of Domestic Preparedness of the Office of State and Local Government Preparedness and Coordination, shall make grants to States, eligible regions, and local governments for initiatives necessary to improve emergency communications capabilities and to achieve short-term or long-term solutions to statewide, regional, national, and, where appropriate, international interoperability.

(b) USE OF GRANT FUNDS.—A grant awarded under subsection (a) may be used for initiatives to achieve short-term or long-term solutions for emergency communications and interoperability within the State or region and to assist with any aspect of the communication life cycle, including—

- (1) statewide or regional communications planning;
- (2) system design and engineering;
- (3) procurement and installation of equipment;
- (4) training exercises;
- (5) modeling and simulation exercises for operational command and control functions; and
- (6) other activities determined by the Secretary to be integral to the achievement of emergency communications capabilities and communications interoperability.

(c) DEFINITIONS.—In this section—

(1) the term “eligible region” means—

(A) 2 or more contiguous incorporated municipalities, counties, parishes, Indian tribes, or other general purpose jurisdictions that—

(i) have joined together to enhance emergency communications capabilities or communications interoperability between emergency response providers in those jurisdictions and with State and Federal officials; and

(ii) includes the largest city in any metropolitan statistical area or metropolitan division, as those terms are defined by the Office of Management and Budget; or

(B) any other area the Secretary determines to be consistent with the definition of a region in the national preparedness guidance issued under Homeland Security Presidential Directive 8; and

(2) the terms “emergency response providers” and “local government” have the meanings given the terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) \$1,000,000,000 for each of fiscal years 2007 through 2011; and

(2) such sums as are necessary for each fiscal year thereafter.

The PRESIDING OFFICER. Who yields time? The Senator from Nebraska is recognized.

AMENDMENT NO. 4945

(Purpose: To provide emergency agricultural disaster assistance, and for other purposes)

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent to call up my amendment No. 4945.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The amendment is called up, and the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for himself, Mr. CONRAD, Mr. REID, Mr. SALAZAR, Mr. JOHNSON, and Mr. DORGAN, proposes an amendment numbered 4945.

Mr. NELSON of Nebraska. 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 the RECORD of Tuesday, September 12, 2006, under “Text of Amendments.”)

Mr. NELSON of Nebraska. Mr. President, first I would like to point out the cosponsors. Senators TALENT, LEAHY, OBAMA, DURBIN, DAYTON, SCHUMER, and CLINTON have all asked to be original cosponsors of my amendment.

I rise today to offer an amendment to H.R. 4954 that will provide much needed emergency relief to farmers, ranchers, and small businesses in rural America that today and for some time have been suffering the devastating impacts of natural disasters, such as the long-running drought in my home State of Nebraska.

A few years ago, I named the drought “David” to make the point that a drought is a natural disaster just like hurricanes—although it seems to be in slow motion—or floods or tornadoes and should be treated by Congress in much the same way because they are disastrous. Congress provides emergency relief to those who have suffered through devastating hurricanes, and there is no excuse for not helping farmers, ranchers, and businesses suffering from this natural disaster.

Unfortunately, in parts of Nebraska, Drought David is celebrating its seventh birthday, and yet Congress has failed to provide relief. I believe this relief must be addressed before Congress heads home for the elections, and I believe it should be addressed this week. That is why I am offering my amendment.

Ordinarily, I wouldn’t offer an amendment to the port security bill because I certainly want to support that. But because of the lack of other opportunities and the increasing need for relief, I am faced, along with my cosponsors and others who will join me, with the recognition that there aren’t many opportunities. And waiting until after

the election just doesn't seem appropriate. I thank Senator CONRAD for his tireless efforts to get disaster assistance legislation passed through the Senate and for his work to draft and introduce the Emergency Farm Relief Act of 2006 that is the basis for this amendment.

Every time I check the U.S. Drought Monitor—and we can take a look at Drought David on this chart—showing where and how severely this drought is affecting the rural parts of America, I see the entire Central United States, as my colleagues can note from this demonstration, is suffering from drought conditions that are categorized as severe, extreme, or exceptional, including the western two-thirds of Nebraska, which is currently suffering from severe to extreme drought, Nebraska being located right here.

In the Dakotas the same thing is true, and dropping down to Texas and moving east, we find that the entire central part of our country is under these extreme to severe drought conditions.

So there is a great need for this relief. Recently, in my State of Nebraska, Professor Brad Lubben at the University of Nebraska released a report on the drought's impact on Nebraska's farmers and ranchers. He concluded that as of August 2006, this year, the drought has cost Nebraska agriculture a total of nearly \$342 million—not much money by some measurements in Washington, DC, but extraordinary in the State of Nebraska. He found that the drought has thus far caused \$98 million in crop losses, mostly wheat; \$1 million in additional irrigation costs; and about \$193 million in livestock production losses which have been incurred as well due to pasture and range conditions that are substantially below average. Grazing losses in western Nebraska are estimated to be from 50 percent to 70 percent. Pretty simple: no grass, no grazing, cattle losses.

The 2006 production year is not yet complete, so we don't know the final impact this will have on corn, soybeans, and sorghum, but I have seen many fields that are devastated by this drought and many farmers who have been given the go-ahead to cut their crop for silage rather than corn production.

Congress and the rest of Washington must understand this problem is critical and recognize the need to address the devastating impact our farmers and ranchers have suffered.

This comprehensive package provides emergency funding to farmers and ranchers who have suffered weather-related crop production shortfalls, quality losses, and damage to livestock and feed supplies. The bill also helps farmers overcome losses as a result of energy prices that spiked during last year's hurricanes—certainly an incident our Presiding Officer knows very well.

The bill would also expand funding for the Emergency Conservation Pro-

gram, some of which could be made available for rehabilitating grass and ranch lands in places such as western Nebraska and, I would imagine, in the Dakotas as well that were damaged from recent wildfires.

I recently toured some of the drought-stricken regions of western Nebraska, including Lake McConaughy which for so long has been called Big Mac but which now is, unfortunately, less affectionately referred to as Little Mac, and the communities that had been devastated by the wildfires last month. When I visited firefighting officials, emergency response coordinators, and community leaders, I asked them how we could help. This amendment will provide some meaningful and immediate assistance to Nebraskans who lost so much in these fires.

Recognizing the devastating impact the disasters have had on Main Streets all over rural America, the amendment also provides assistance for thousands of small businesses simply fighting to keep their doors open. When farmers and ranchers have inadequate income, obviously it impacts the Main Street of that community. Lower purchasing power, lower sales, and fighting to keep doors open is an obvious result. Drought affects related businesses such as feed lots, grain dealers, implement dealers, and even local store fronts that service rural communities. Drought doesn't just destroy farms, it economically damages our rural communities and businesses.

Now, I know we are discussing port security, as I said before. So, ordinarily, I wouldn't offer this amendment as a part of that bill, but I am offering it at this time because it is needed, and Congress needs to accomplish this before it leaves at the end of the month.

My question is a very simple one: If not now, when? If not now, when?

Our farmers and ranchers cannot wait. The devastating impact of Drought David threatens to drive many of our farmers and ranchers in rural communities and businesses out of operation, and without them we cannot expect to secure our food supply and we cannot expect to continue to grow our domestic alternative fuel supplies, which is such a critical part of our own fuel security in America today. When agriculture suffers, the opportunities for alternative fuels such as biofuels will suffer as well. That is why we need to do this.

If we fail to act and by our inaction we allow farmers and ranchers and rural businesses to dry up under the impact of this drought, then we have failed to ensure both our food and fuel security.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from North Dakota.

Mr. CONRAD. Mr. President, first I thank very much the Senator from Washington for her courtesy, and the Senator from Maine as well. I will be very brief.

I also recognize my colleague from Nebraska for his leadership and thank him publicly and personally for offering this amendment right now. Normally, I would never join in offering this amendment on port security, but this involves the food security of the country, and this has now become a critical matter in our part of the Nation. We just had a drought rally yesterday with farmers from all across America, joined by 14 Senators, on a fully bipartisan basis, and joined by my State's governor and joined by Members of the House of Representatives from the heartland of the country as well.

The message was clear and consistent: It is imperative that Congress act now. If there is a failure to act, literally thousands of farm families will be forced off the land. That is how acute this crisis has become. By scientific measure, they now tell us this is the third worst drought in the Nation's history.

The extraordinary irony is that last year in my State we had massive flooding—flooding that prevented 1 million acres from even being planted. I note the occupant of the Chair represents the State of Louisiana which suffered so dramatically from Hurricane Katrina. Those of us outside that area agreed to help and support disaster assistance because it was clearly needed, and we were pleased to step forward and offer our assistance. I might say to the occupant of the Chair and to others who are listening: Now we have suffered as a result of a disaster. It is different. It is not as dramatic, but for those affected, it is every bit as dire. I say to my colleagues, this is one of the worst situations I have seen in my lifetime in the State of North Dakota.

Last year, here is what the headlines said all across the State: "Heavy Rain Leads To Crop Diseases." "Area Farmers Battle Flooding And Disease." "Beet Crop Could Be Smallest In Ten years." "Crops, Hay Lost To Flooding." "Rain Halts Harvest."

It was a devastating year. As a result, last year I offered disaster legislation that formed the basis of this amendment. I updated that legislation on Wednesday of last week. We now have 20 cosponsors in the Senate on a fully bipartisan basis saying this legislation is needed, it is needed urgently, and it is needed now.

This is a picture from last year of a farmstead in North Dakota completely surrounded by water. I know these are remembrances to the occupant of the Chair of what happened in his own State of Louisiana. Again, we would be quick to acknowledge the disaster in the Gulf States is more dramatic, more far-reaching, but this is national legislation. This wouldn't just help those of us hurt by flooding last year and drought this year; this would help all those wherever they are situated who have suffered from a natural disaster.

This year, as the Senator from Nebraska just demonstrated, this is what

the Drought Monitor shows: Right down the center of the country, a very persistent and extreme drought. In fact, they have a schedule that goes from abnormally dry to moderate drought to severe drought to extreme drought to exceptional drought, exceptional drought being obviously the most extreme. And you can see the core of the exceptional drought is right in the heartland of America. But we are not alone because we can see areas of exceptional drought right down the center of the country, all the way over to the State of Arizona. Not only did we have extraordinary drought, we had the most incredible summer of extreme temperatures that I have ever seen in my lifetime, culminating on July 30 in my hometown when it reached 112 degrees—112 degrees. I went to a corn farm south of Bismarck, ND, that was irrigated—irrigated corn. We stripped the corn of its husk and the ears weren't filling, even though they were putting tens of thousands of gallons of water on that field a day. Why not?

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. CONRAD. Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. CONRAD. Mr. President, this is a farm field in North Dakota. This is supposed to be a cornfield. You can see there is nothing there; it is devastated. This is widespread in my State.

This picture is from Grant County, an alfalfa field, and you can see it is in a Moon state. There is nothing there.

Let me just conclude by saying to my colleagues, this is an urgent matter. This is a response to a disaster. If we fail to act, the bankers of my State have told me we will lose 5 to 10 percent of the farmers and ranchers in my State. South Dakota is worse, and this disaster goes right down the center of our country. The time to act is now.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

AMENDMENT NO. 4936

Ms. COLLINS. Mr. President, earlier today in morning business, the Democratic leader spoke in favor of the amendment that he has brought to the Senate floor which we will vote on shortly this afternoon. I rise in opposition to Senator REID's amendment.

Mr. President, this is Senator REID's amendment, and this is the port security bill. I can barely hold up the 507 pages of the Democratic leader's amendment. It is an interesting hodgepodge of provisions that are irrelevant to the underlying bill—to port security. It includes provisions that have already been rejected by the Senate. It includes provisions that have already been enacted by the Congress and signed into law. It includes provisions that have just recently been passed by the Senate and added to the port security bill.

What it does not include are provisions that have to do with port security. This proposal, 507 pages, includes 37 pages of findings, 16 senses of Congress, and no fewer than 95 reports, certifications, and determinations.

Let me tell my colleagues a bit about what is actually in Senator REID's amendment. Let's go first to the category of provisions which have already been rejected by the Senate. Let me give two examples. The legislation includes, word for word, the exact same language regarding the involvement of the United States in Iraq that was soundly rejected by the Senate by a vote of 39 to 60 in June of this year. This is the language that calls for a phased redeployment of U.S. forces in Iraq. It has nothing to do with port security, and it is legislation that this body has already thoroughly considered and voted against.

Let me give a second example of provisions of the Reid amendment on which the Senate has already spoken. The Reid amendment contains a first responder funding formula amendment that is almost identical to the one the Senate rejected earlier this year by a vote of 32 to 65. Indeed, the sponsor of this amendment voted against the formula change he has included in this bill, as did a total of 25 Democratic Senators, the majority of the Democratic caucus. It is not surprising that they did, for if the Reid amendment were to pass, 34 States would lose money for homeland security activities. It is also ironic that the funding formula included in Senator REID's amendment is an implicit endorsement of the funding allocation decisions that were so widely and correctly criticized earlier this summer.

This bill would give the Department of Homeland Security additional discretion in allocating homeland security funds. We know what happened when we gave the Department additional discretion. The outcome was not a good one.

I mentioned that the amendment also includes provisions that have already been signed into law. Let me give an example. Mr. President, 105 pages of this 507-page amendment have to do with implementing the 9/11 Commission's recommendations on foreign policy and public diplomacy. The proposals outlined in that section of Senator REID's amendment were signed into law as part of the Intelligence Reform Act of 2004. They are almost exactly the same as title VII of the Intelligence Reform Act of 2004. Why do we need to repeat this? It is already law. How does enacting it a second time somehow improve our national security? It makes no sense.

Let's move to the third category; that is, provisions in this amendment which have already passed the Senate. There are many good examples of that, but let me just cite two. They have to do with the rail security and mass transit security amendments which we have already adopted.

Senator MCCAIN's rail security amendment was adopted very early in the debate on this bill. The proposal offered by Senators SHELBY and SARBANES last night is identical to the mass transit security provisions in the Reid amendment. Since those two amendments have already been included in the bill, why would we want to do it all over again?

I think what most disturbs me about Senator REID's proposal is that it is clearly a partisan amendment that has been offered to a bill, the port security bill, that has been bipartisan every step of the way, from conception to introduction to committee consideration to the floor deliberations. Port security is so important. I know the Presiding Officer understands that well, coming from Louisiana. We have gone to great lengths to make sure that the port security bill was bipartisan.

PATTY MURRAY has been the leader on this bill on the Democratic side. Senator LIEBERMAN worked hard on it in the Homeland Security Committee. NORM COLEMAN, Senator COLEMAN, on our side of the aisle, worked with Senator LEVIN to investigate port security programs.

Even in the House, this has been a completely bipartisan—indeed, a non-partisan—effort, with the legislation being authored by Representatives DAN LUNGREN and JANE HARMAN.

At every step of the consideration, this has been a bipartisan bill. When it went through the Homeland Security Committee, it was bipartisan. In the negotiations with the Commerce Committee and the Finance Committee, it was bipartisan. It is very unfortunate that we are now having a blatantly partisan amendment offered to a bill that I had hoped would be the exception to the rule, a bill we could enact in a bipartisan manner, because it is so important that we act without delay.

As I indicated, from the very beginning of the discussions on this bill, from the hearings, through the committee markups, through visits to ports around the country, it has always been bipartisan. Let's not weigh this bill down with partisan amendments. Instead, let's get the job done and send this bill, a bipartisan bill, to the President for his signature without delay.

I reserve the remainder of the time on this side.

Mr. DEMINT addressed the Chair.

The PRESIDING OFFICER. Who yields time? Who yields time to the Senator from South Carolina?

Ms. COLLINS. Mr. President, I will be happy to yield time to the Senator from South Carolina, depending on how much time he needs.

Mr. DEMINT. About 5 minutes.

Ms. COLLINS. That will be fine. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 4970

Mr. DEMINT. Mr. President, I call up amendment No. 4970.

The PRESIDING OFFICER. Is there objection to the calling up of the amendment?

Mr. SALAZAR. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I ask my colleagues for unanimous consent that following the remarks by Senator DEMINT, I be recognized for 6 minutes on the time remaining on this side.

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

Mr. SALAZAR. Reserving the right to object, I would like to see a copy of the amendment. We may not object, but I would like to see a copy of the amendment.

Mr. DEMINT. Mr. President, I will speak on the amendment and we will call it up once the copies are available to the minority, if that is OK?

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

The Senator from South Carolina is recognized for 5 minutes.

Mr. DEMINT. Mr. President, I rise today, obviously, in support of amendment No. 4970 which we will distribute in a moment. The Maritime Transportation Security Act of 2002 required the Transportation Security Agency, which we call TSA, to develop a biometric security card for port workers to limit access to sensitive areas within a seaport. To satisfy this law, TSA is developing a transportation worker identification credential which we call a TWIC card. The law requires that the Secretary of Homeland Security issue a card to an individual requesting one unless determination can be made that they pose a terrorism threat. However, it should trouble Americans that the law specifically allows those who have been convicted of a felony more than 7 years prior to their application or have been released from incarceration 5 years prior to their application to be eligible for a TWIC card. This standard is too lax and must be strengthened. DHS officials need clear rules that prevent those convicted of serious felonies from obtaining access to our secure port areas. My amendment does just that. It takes the standards the TSA uses for airport workers with access to secure areas and applies them to maritime port workers.

Let me make that clear. The exact same standards that are used in our airports for workers are in this amendment to apply to transportation workers at our port. Just like the TSA airport safety regulations, my amendment automatically bars those convicted of serious felonies, which are listed in this amendment, including crimes of violence, fraud, bribery, and terrorism, from being allowed to obtain one of these transportation cards.

TSA's airport rules have successfully kept felons out of the airport workforce, and it is time we do the same for our seaport workforce. Because of the gravity of the threat facing our ports, we cannot afford to roll the dice by hiring convicted felons. The stakes are too high.

When setting policies that will keep our transportation system secure, we

are continually told by experts that we must identify and reduce risk in every situation possible. This amendment will prevent high-risk individuals from having access to our most sensitive port areas.

Keep in mind, felonies are serious crimes that are punishable by incarceration or death. This amendment is not aimed at so-called youthful offenses or individuals who have received several traffic tickets. My amendment also does not take away the current ability of the Secretary of DHS to grant a waiver for exceptional cases. Felons, through their previous criminal activity, are more likely to be persuaded to look the other way when a suspect shipment comes through the port. This suspect system could contain a variety of dangerous items—dirty bomb, weapon, contraband to sell that would help finance terrorist operations, just to name a few. Someone who will commit extortion, fraud, or traffic in drugs should not be trusted to protect the security of our maritime cargo. While felons do need a second chance, it should not come at the expense of an extremely vulnerable part of the U.S. port infrastructure.

I know some people may object to my amendment by saying that longshoremen might be criminals but they are not terrorists. I do not believe longshoremen are criminals, by the way, but that is why we need to allow DHS to focus on crimes that specifically relate to terrorism. While it may be true that many of the criminals working in our ports do not wake up with the intent to promote terrorist activity, this does not mean they do not pose a terrorist security risk. What I and many others fear is that convicted felons could pose a security terrorist risk by working with those criminals associated with trying to sneak drugs or stolen goods into this country. It might actually turn out to be 50 grams of plutonium instead of 50 grams of cocaine that could be used as a dirty bomb that would poison—kill thousands of people, or maybe it is not part of a dirty bomb or chemical weapon. Maybe it is just ordinary contraband which could be used to help fund terrorist activity in the United States.

Some others think it is too expensive to automatically exclude individuals who have committed one of these serious felonies from working in our ports.

To those objecting colleagues I would say: please detail to us which one of the airports in their State these offenders should be working at, because the list of felonies we use was lifted right from the same list the TSA uses for airports.

Another argument I have heard is that we are not going to have enough people to work in our ports.

This is an exaggeration. The fact is, the TWIC card will be rolled out and workers who need to have access to the secure area will apply for the TWIC card. As a practical matter, felons know who they are, and they know

that they will not be issued a TWIC card. The likely effect is that they will never apply for a card in the first place. The local union will immediately notice that a number of its workers are not applying for TWIC cards. They will then have the opportunity to reach out to their communities and find new union members to fill the spots.

Logistically, this is not a huge challenge. The port of Charleston has 2,000 longshoremen working there. If severe criminality, as outlined under the amendment is rampant within the workforce and is at the high level of 10 percent—which is nearly double the national average for incarceration at one point in their lifetime of 6.6 percent—that would only mean that they would need to replace 200 workers in the whole port of Charleston.

The bottom line is this applies the same protection to seaports that applies to airports. The current TWIC regulatory regime writes their security regulations to fit their workforce. It should be the other way around. The workforce regulations should be written to meet their security needs.

Mr. President, I ask we call up the amendment and have it read.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment and calling up this amendment? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment 4970:

(Purpose: To prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.**

Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking “decides that the individual poses a security risk under subsection (c)” and inserting “determines under subsection (c) that the individual poses a security risk”; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

“(1) Except as provided under paragraph (2), an individual shall be deemed to pose a security risk under this section if the Secretary determines that the individual—

“(A) has been convicted (or has been found not guilty by reason of insanity) of—

“(i) destruction of a vessel or maritime facility under section 2291 of title 18;

“(ii) violence against maritime navigation under section 2280 of title 18;

“(iii) forgery of certificates of documentation, falsified vessel identification, or other vessel documentation violation under section 12507 or 12122 of this title;

“(iv) interference with maritime commerce under section 2282A of title 18;

“(v) improper transportation of a hazardous material under section 46312 of title 49;

“(vi) piracy or privateering under chapter 81 of title 18;

“(vii) firing or tampering with vessels under section 2275 of title 18;

“(viii) carrying a dangerous weapon or explosive aboard a vessel under section 2277 of title 18;

“(ix) failure to heave to, obstruction of boarding, or providing false information under section 2237 of title 18;

“(x) imparting or conveying false information under section 2292 of title 18;

“(xi) entry by false pretense to any seaport under section 1036 of title 18;

“(xii) murder;

“(xiii) assault with intent to murder;

“(xiv) espionage;

“(xv) sedition;

“(xvi) kidnapping or hostage taking;

“(xvii) treason;

“(xviii) rape or aggravated sexual abuse;

“(xix) unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon;

“(xx) extortion;

“(xxi) armed or felony unarmed robbery;

“(xxii) distribution of, or intent to distribute, a controlled substance;

“(xxiii) felony arson;

“(xxiv) a felony involving a threat;

“(xxv) a felony involving illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year, willful destruction of property, importation or manufacture of a controlled substance, burglary, theft, dishonesty, fraud, misrepresentation, possession or distribution of stolen property, aggravated assault, or bribery; or

“(xxvi) conspiracy or attempt to commit any of the criminal acts listed in this subparagraph;

“(B) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

“(C) otherwise poses a terrorism security risk to the United States.”.

Mr. DEMINT. Mr. President, I allowed the amendment to be read because our critics have already suggested that this amendment would include minor offenses. I will challenge critics of this bill to point out which of these felonies they would like transportation workers in our ports to be able to commit. It makes absolutely no sense for us to spend literally hundreds of millions of dollars as a nation to protect the security of our airports and our ports if we allow the workers who are using this scanning equipment for these inspections to be of a criminal nature.

I thank the manager for allowing me to offer this amendment.

I yield the floor.

Mrs. MURRAY. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Forty-six minutes.

Mrs. MURRAY. Mr. President, I yield 6 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 4945

Mr. SALAZAR. Mr. President, I rise today to speak in support of the emergency agricultural disaster assistance package. At the outset, I commend my colleague, Senator KENT CONRAD, for having taken the leadership role in making sure we are taking care of the needs of family farmers and ranchers across America. I also congratulate

Senator NELSON for his leadership on this issue this morning.

Last night, as America went to sleep, much of America—the farmers and ranchers who bring us the food security in this country—continued to work way into the night. I can assure you that across this country, where those combines are running until 11 or 12 or 1 o'clock in the morning, those farmers are working. Today probably starting at about 3 or 4 in the morning, there were many farmers who were out there trying to bale their hay with the leftover dew from the nighttime, making sure they were baling what was left in a way that would bring them the maximum production. While the rest of America slept, America's farmers and ranchers were working very hard to make sure that the food security of this country was, in fact, maintained. As those farmers and ranchers went home to get a few hours of sleep, what was probably on their minds was whether their family farm or ranch was going to be there the following year and whether they were going to be able to pay off their operating lines of credit for the mortgage payments at the local bank.

The fact is, rural America is in trouble. Farmers and ranchers are very much in trouble because of two factors which have been totally out of their control for the last couple of years. One of them is drought and the other is the high cost of fuel. Those two factors combined create a disaster emergency that is unfolding across America today.

On this picture to my left, you will see a cornfield in Kit Carson, CO, which turned completely brown because of the severe drought in my State. This drought we see going on in Colorado has had this kind of effect not only this year but for the last 7 years. Colorado is now in its seventh year of a very severe drought that will have a very major impact on the opportunities and the economies related to these farmers and to the farm community.

Second is the high cost of fuel which has affected most Americans. The fact is that most Americans are upset by the very high cost of fuel we are paying. Farmers and ranchers consume a tremendous amount of gas and diesel as they operate these machines all across the farms in America. Today, farmers are paying twice as much as they were 2 years ago for the cost of fuel. Yet, during that same timeframe, the cost of the produce we have from these farms and ranches does not increase very much.

We are facing a disaster emergency which is very much going to affect all of rural America.

I hope all of my colleagues in the Senate will join us in passage of the emergency agricultural disaster assistance package. I am also hopeful that we can sound a loud drumbeat that will be heard all the way to the White House, all the way to President Bush because he needs to send a signal that he is going to stand up for rural Amer-

ica and that he is going to support us as we try to bring emergency assistance to the farmers and ranchers of America.

The last time we passed a similar bill in the Senate, it was killed in the House, frankly, because it did not have the support of the White House. Rural voters who gave support to President Bush ought to be knocking on the door of the White House and making sure the President understands that rural America is important and that this disaster emergency package is very important as well.

AMENDMENT NO. 4936

Mr. President, I wish to spend the remainder of my time speaking on behalf of and in support of the Real Security Act which was offered by Senator REID. The fact is, this legislation is a very important piece of legislation as we look forward to creating the safest America we possibly can.

The fact is that 5 years after 9/11, we are not yet safe in America. We know our ports are not secure. We know law enforcement does not have the training they should have. I would imagine most Americans frankly today are feeling that we are not living in a secure world as we were 8 or 9 or 10 years ago and that our world has continued to become increasingly dangerous.

The components of the legislation that was set forth by Senator REID are simple steps to move us in the right direction in creating greater security for the people of America here in our homeland. Very simply, the legislation first and foremost implements the recommendations of the 9/11 Commission. The 9/11 Commission has been heralded as perhaps the most successful commission in the last 50 years in America. It handled a very important question of how can we make America safe. It came up with a series of recommendations. Many of those recommendations today, some 4 years later, have not yet been implemented.

The first point that has been made with the Real Security Act is we will implement the recommendations of the 9/11 Commission.

Second, the amendment also equips our intelligence community to fight against terrorists. For the first time in 18 years, this Republican-controlled Congress has failed to pass the intelligence authorization bill that would give the CIA the resources to conduct aggressive and effective intelligence gathering. Senator ROCKEFELLER has eloquently spoken to this issue. It is an abysmal neglect of duty on the part of the United States of America and its Government if we don't reauthorize the intelligence act as has been done in the past 28 years.

Third, the amendment as proposed by Senator REID will make sure we are investing additional money to secure our ports, our rails, our roads, our airports, our chemical and nuclear plants, and mass transit systems. We only need to look at what has happened in the United Kingdom and in Spain and

other places to know that our rails, our mass transit systems, and our ports are, in fact, not at all secure today.

Fourth, we would refocus America on the war on terror by making sure we continue to pursue Osama bin Laden and bring him to justice.

Fifth, the amendment would provide better updated tools so we can bring these terrorists to justice. Five years after 9/11, there are still hundreds of terrorists who need to be prosecuted and brought to justice. We can't afford to wait any longer.

Finally, the amendment would, in fact, bring about a new understanding of how we ought to move forward with the war in Iraq.

I believe strongly that the Real Security Act which has been proposed by Senator REID should be supported by our colleagues.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I yield 8 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I thank the Senator for yielding time to me.

Mr. BIDEN. Mr. President, last Thursday I introduced a bipartisan resolution urging the President to take immediate action to avert a looming tragedy in Darfur, Sudan. I urge the Senate to pass it today. The Government of Sudan has launched an all but military offensive in Darfur that could result in hundreds of thousands of deaths. The United States must lead the international community to save those lives. It is urgent that we act.

Over the past 2 years the situation in Sudan has remained dire. As many as 400,000 people have died. Two million people have been displaced from their homes, over 200,000 are refugees in Chad, and 3 million rely on international aid. Those numbers haven't diminished over time, they have gotten worse. And now, they may be on the brink of becoming even more catastrophic.

In May of this year, the Government of Sudan and rebels in Darfur—specifically the Minni Minawi faction of the Sudan Liberation Army—signed a peace agreement. Tragically, instead of improving the security situation, the Darfur Peace Agreement has made things worse.

The agreement never had the support of the entire SLA, or the other major rebel movement in Darfur, the Justice and Equality Movement. Nor did it have the support of people living in displaced persons camps in Darfur. In the days and weeks after news of the agreement spread, violence in camps increased either because people misunderstood what was in the agreement, or they felt the agreement was flawed. And violence on the ground became worse, as the rebel factions split and fighting erupted between those who had signed the Darfur Peace Agreement and those who had not.

Tens of thousands of people have been displaced in fighting since May—50,000 in the last 2 months alone. Many of them have taken refuge in camps for the internally displaced. Attacks on humanitarian aid convoys have increased by a factor of more than 10 compared to this time last year. Twelve humanitarian workers have been killed in the past 4 months—more than during the entire previous year. Two hundred internally displaced women have been raped and another 200 violently assaulted over the course of the past 5 weeks.

The United Nations, after months of delay, finally extended the mandate of the U.N. Mission in Sudan—UNMIS—to Darfur at the end of August. And, through U.N. Security Council Resolution 1706, it authorized the deployment of over 17,000 peacekeepers and 3,000 civilian police to Darfur.

However, the Government of Sudan has categorically rejected the deployment of the U.N. force. In fact, the Sudanese Government has launched a military offensive in the region. Khartoum has sent over 10,000 troops to Darfur and has resumed aerial bombardments. Seven villages—villages, not military targets—were bombed just this weekend. African Union officials have stated that they will not extend the mission in Sudan past the end of this month. I understand that the African Union Peace and Security Council will meet in New York on September 18, just before the U.N. General Assembly meeting takes place. But it is unclear if the AU will reverse its decision to terminate its mission in Sudan. If it does terminate it, “Katey, bar the door,” all the carnage going on now will be increased multifold.

Even if the impediments I just mentioned did not exist, it would be months—we are talking January—before a U.N. mission could fully deploy, so we need the AU to stay in place a while longer.

In the mean time, Khartoum is doing its level best to be sure that no U.N. force comes to Darfur. The Government of Sudan's tactic seems to be to scorch enough earth—and people—such that there will be no need for the peacekeeping force because there will be no one left to protect and no peace to keep.

At this point in time, right here today, we are at a pivotal moment. Hundreds of thousands of Sudanese are in camps, vulnerable to aerial and ground attacks from government forces. We cannot stand by and do nothing.

This resolution is very straightforward. It calls on the President to undertake three key actions, some of which the Senate has asked him to do before:

First, it once again calls on him to pursue the imposition of a no-fly zone through the U.N. NATO or NATO allies. The Senate asked the President to propose that NATO consider how to implement and enforce such a no-fly zone

in March of this year. If anything the need to enforce a no-fly zone has increased.

Second, it asks that the President secure the necessary support from United Nations member states to schedule a special session on Sudan in the United Nations Human Rights Council. The international community must speak out on the atrocities which continue to unfold in Sudan—and it must act.

Third, it asks the President to appoint a Special Envoy to Sudan to head the office that Senator DEWINE and I established at the State Department through the supplemental appropriations bill signed into law in June. The administration has avoided naming a Special Envoy to Sudan for years, and our diplomatic efforts have suffered as a result.

I am under no illusion that these actions alone will stop the Sudanese Government's murderous actions in Darfur. The international community must put a credible international force on the ground as soon as possible. NATO should be prepared to help the AMIS hand-off to the United Nations. The U.S. should impose targeted financial, travel, and diplomatic sanctions against the Sudanese leadership, rebel forces, and others determined to be responsible for the atrocities and pursue the immediate imposition of similar sanctions by the U.N. Security Council and the European Union as called for by U.N. Security Council Resolutions 1556 and 1564. It is long past time for the Security Council to take such action. If the Council cannot act because of threats of a Russian or Chinese veto, then the United States and Europe should do so together.

I visited the camps across the border in Chad. It is an absolute tragedy. There are tens of thousands of people in that one camp alone, with no real protection. When the appropriate time comes I will introduce this resolution. I hope it meets the approval of my colleagues. I hope the President will listen.

I thank the managers of the bill for yielding me this time.

I yield the floor.

Ms. COLLINS. Mr. President, I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Ohio is recognized.

AMENDMENT NO. 4962

(Purpose: To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area)

Mr. VOINOVICH. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 4962.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio, [Mr. VOINOVICH] proposes an amendment numbered 4962.

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

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

(The amendment is printed in the RECORD of Tuesday, September 12, 2006, under "Text of Amendments.")

Mr. VOINOVICH. Mr. President, I rise today to offer the Disaster Area Health and Environmental Monitoring Act, an amendment to the port security bill.

This legislation is vital because it provides for the monitoring of the health and safety of individuals exposed to harmful substances as a result of a presidentially declared disaster. The Senate passed this bill by unanimous consent in the 108th Congress, but jurisdictional disagreements between committees in the House caused it not to be passed in the House.

This issue first came to my attention during a series of Environment and Public Works Committee hearings in 2002 when we learned of the severe health problems facing thousands of workers and volunteers who heroically responded to the September 11, 2001, attacks on the World Trade Center. Perhaps some of my colleagues saw the "60 Minutes" segment this last Sunday that examined the problem in depth.

I will never forget Joe Allbaugh, 3 months after September 11, before the committee. I asked him: What have you found out about what folks were exposed to, those who were first responders?

And he said: I can't get the information.

This bill would give the President the right to immediately go in and do the investigation to determine what these folks were exposed to.

One of the things that we also did was discover that these first responders did not have the opportunity to have a screening. We were able to get \$14 million set aside to do screening of first responders.

In the case of Ohio—we had one of the first responding units there—we found a variety of health problems, including respiratory illness, pneumonia, asthma, and many faced the possibility of long-term health issues.

I am deeply saddened to note the recent passing of New York City Police Detective James Zadroga, a rescue worker at the World Trade Center, whose tragic death was directly caused by his exposure to toxic fumes and dust at Ground Zero.

Currently, the Federal Emergency Management Agency does not hold the authority to conduct the necessary long-term monitoring of health impacts following environmental exposures in the wake of a disaster.

In 2003, Federal funding helped establish the World Trade Center Worker and Volunteer Medical Screening Program at Mount Sinai Hospital and the University of Cincinnati. I have already referred to that. At least way afterwards we started doing the screen-

ing to let the folks know what they were subjected to. According to the findings, almost 70 percent of the World Trade Center responders had a substantially worse respiratory system following their work at the World Trade Center. Among the responders who were asymptomatic before September 11, 61 percent developed respiratory symptoms while working at the World Trade Center.

In addition to that assistance at Ground Zero, OTF responded to the needs of communities around the country faced with the aftermath of natural disasters. OTF sent responders to Florida following Hurricane Dennis in July of 2005 and to Louisiana and Mississippi following Hurricane Katrina in August of 2005.

In the aftermath of Hurricane Katrina, the need for public health monitoring became clear. The CDC and EPA have identified 13 environmental health issues confronting first responders, including drinking water, wastewater, solid waste, debris and soil contamination from toxic chemicals. It is vital this legislation is enacted to address any health care needs that arise for the thousands of first responders who are active on the gulf coast. S. 1741 authorizes the President, if he determines that substances of concern have been released in a federally declared disaster area, to activate a program in a Federal partnership with appropriate medical institutions for the protection, assessment, monitoring, and study of the health and safety of individuals.

The act also would direct Federal agencies to enter into a contract with the National Academies of Sciences to study and report on disaster area health protection and monitoring.

It is extremely important we take care of these individuals because, as I stated in past hearings, whether people volunteer to be first responders depends on how we treat the first responders at the World Trade Center, the gulf coast, and other disaster areas. If they are not going to be able to find out immediately what they have been exposed to, and the President has the authority to get in there and find out what it is, we will have more and more people reluctant to come to the help in other disasters in the country.

I therefore urge my colleagues to support this bipartisan bill which is cosponsored by 16 of our Senate colleagues. It is strongly supported by the first responder community.

I thank the Senator from Maine for this opportunity to share why it is important we get it passed.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself 10 minutes.

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

AMENDMENT NO. 4936

Mr. DORGAN. Mr. President, I rise to support the Reid amendment, the Real Security Act, offered as an amend-

ment, and I rise to say a word about the amendment offered by Senator NELSON today which Senator CONRAD and I and many others have worked on and support, dealing with farm disaster aid.

First, let me talk about this issue, the Real Security Act. I know there are some who say this is an omnibus piece of legislation offered as an amendment; it is moving too quickly. I don't think the U.S. Congress has ever been accused of speeding. I don't think we ever ought to be worried about moving too quickly. My concern with respect to security in this country is that we move too slowly.

The issue of one, two, or three areas in which we deal with the security of this country—we do it here, there, elsewhere—over a month or two, a year or two, or 5 years, there is a lot to be done, and it needs to be done in an omnibus way, in a way that is organized.

That is what my colleague, Senator REID, has offered, the Real Security Act, which we have worked on in its various pieces for a long time.

Let me describe why we need something like this and why this is a good place to begin discussing it. The fact is, it is 5 years after September 11. We just had the commemorative anniversary of that terrorist attack against our country in which thousands of Americans were murdered. We still have a circumstance where in many areas first responders cannot speak to each other. Firefighters, police officers, and so on are not able to communicate with each other. In the event of a future terrorist attack my hope is we have compatible communications.

My colleague offers an amendment that deals with a whole range of issues, including emergency preparedness, response, communications, border security, increasing the number of special forces, safeguarding nuclear materials, and increasing the Cooperative Threat Reduction Program. He describes in this amendment a new approach with respect to rail security and mass transit security, as well as aviation security.

As an aside, I point out that we have a situation with respect to aviation security that I know is very difficult for this country, for the traveling public, and for the airlines. There is no question we understand what the terrorists did. The terrorists used some box cutters and an airplane loaded with fuel to run into buildings. Both the World Trade Center attacks and the Pentagon were low-tech attacks. My understanding was that attack on September 11 cost around \$500,000, with 19 people, some box cutters and some hijacked airplanes.

We have a lot to do with respect to trying to understand where the next attack might come from and how to foil that attack. I commend all of those who have been working in these areas who have been successful in uncovering conspiracies and uncovering potential attack plans against our country and

foiling those plans. They deserve our undying thanks. We need to say to them: Stay on the job. Continue to do that excellent work.

We also need to give them the tools. The Reid amendment offers those tools in a wide range of areas—the tools that will equip our first responders, the tools that will equip our intelligence community, the tools that will equip our soldiers. For example, there is a provision in the Reid amendment that talks about the funding necessary for new language capabilities in the Middle East and Asian languages in our intelligence communities. Yes, we are doing some of that, but we are not doing as much as we could.

This amendment is an omnibus amendment that, in my judgment, moves in the right direction. As I said before, I know those who say it does too much, the danger is not that we are doing too much in Congress, the danger is we will do too little. With respect to this issue of real security, this Congress, this Senate, would be well advised to accept this amendment.

I read in the paper this morning a congressional colleague on the other side of the aisle in the other body said:

I wonder if Democrats are more interested in protecting terrorists than in protecting the American people?

That is a pathetic political statement not worthy of much response, except to say this: All Members in this Chamber care about this country. All in this Chamber are Americans who want to protect this great country of ours. There is a barrel full of politics around this; I understand that. When you read what I read in the paper this morning by someone from the other body, it is pretty pathetic.

What we ought to do, it seems to me, is not worry about trying to move too fast. Let's worry we are not moving fast enough. Let's embrace this Reid amendment and have a debate on it and add this to the port security bill and we will have done this country a significant amount of good work in protecting America's future.

AMENDMENT NO. 4945

I take a couple of minutes to say I strongly support the agricultural disaster piece offered as an amendment by Senator NELSON. I have twice offered an agricultural disaster piece that has gone through the full Senate. We have gone to conference two times. In both circumstances, once last December and once this spring, we lost it because the President threatened to veto it and the House conferees would not accept it as a result of that Presidential veto threat.

I will just show three charts very briefly. This is a soybean field that is supposed to be about a foot high at this point. There is almost nothing growing. This is a man from my State. He is walking in a creek bed. The creek is dry. We have suffered a devastating drought. When farmers lose everything, when they have no crop, when their pasture is gone and it looks like a

moonscape, when they have to send their cows to market because there is nothing for a cow to eat, that is a disaster.

This country goes all over the world: You have trouble, let us help; we want to help you. Good for us. That is a good value system. How about doing that at home? When farmers and ranchers lose everything, how about us saying: We want to help you. We want to extend a helping hand.

We have not done that yet because the President has threatened a veto. I hope the President will work with us rather than against us and decide it worthy to help Americans who are in trouble.

So my colleague, Senator NELSON, has offered an amendment on this bill. My colleague, Senator CONRAD, and I, and many others have worked in a bipartisan way. This is not a partisan issue in the Senate. We passed it twice on a bipartisan basis. I hope we will add this amendment to this underlying bill as well. I hope in between now and when it gets to the White House the President will understand the urgency of this situation.

Times change. Things change. The fact is, these folks need help. We have a responsibility to do it.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I yield 2 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment is laid aside.

AMENDMENT NO. 4975

(Purpose: To establish a Homeland Security and Neighborhood Safety Trust Fund and refocus Federal priorities toward securing the Homeland, and for other purposes)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 4975.

Mr. BIDEN. Mr. President, I ask unanimous consent that 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. BIDEN. Mr. President, since I only have 2 minutes—and I am not going to ask for a vote on it now—my amendment talks about the dirty little word no one wants to talk about: How are we going to pay for all this? The fact is, we are arguing over peanuts. The fact is, we should set up a trust fund as we did with the violent crime trust fund. We should fund everything everyone knows we need to fund here, all those elements the 9/11 Commission called for, plus reinstating local law enforcement.

The whole cost of that would be less than 1 year—1 year—of the tax cut for people making over \$1 million. My amendment sets up a trust fund, has \$53 billion put into that trust fund, displaced over 5 years—\$10 billion a year—to pay for all we are doing here.

Rich folks are just as patriotic as poor folks. It instructs the Finance Committees to go out and find the means by which they would deal with that, take it 1 year or take a piece of it over 5 years.

The bottom line is, this is crazy. We are talking about all that we do not have. We are passing amendments like the Biden-McCain amendment or the McCain-Biden amendment on rail. We know it is never going to be funded. We know the cost is about \$50 billion to fund what we all need. Yet, at the same time, we are spending three times as much on a tax cut as we are spending on how we are going to do it.

This is only for people making over \$1 million. Again, I floated this with millionaires. I have been with groups who are millionaires. I have asked them: Would you object to giving up 1 year of your tax cut?

The response is: No, if you guarantee me it is going to go to provide for security.

This amendment would guarantee that, set up a trust fund. For those who are skeptical about trust funds, let me remind you, we did it with the violent crime trust fund. It worked, and it reduced crime. We should step to the plate and say how we are going to pay for it.

Everyone in this body knows that we are not yet safe enough. Independent experts, law enforcement personnel, and first responders have warned us that we have not done enough to prevent an attack and we are ill-equipped to respond to one.

Hurricane Katrina, which happened just over a year ago, demonstrated this unfortunate truth and showed us the devastating consequences of our failure to act responsibly here in Washington.

And, last December, the 9/11 Commission issued their report card on the administration's and Congress's progress in implementing their recommendations. The result was a report card riddled with D's and F's. And, to add to this, the FBI reported earlier this summer that violent crime and murders are on the rise for the first time in a decade.

Given all of this, it is hard to argue that we are as safe as we should be. To turn this around, we have to get serious about our security.

If we establish the right priorities, we can do the job. We can fund local law enforcement, which the President has attempted to slash by over \$2 billion. We can give the FBI an additional 1,000 agents to allow them to implement reforms without abandoning local crime. We can secure the soft targets in our critical infrastructure, to ensure that our chemical plants and electricity grids are protected from attacks. We can immediately re-allocate

spectrum from the television networks and give it to our first responders so they can talk during an emergency.

I know what many of my colleagues here will argue. They will argue that it is simply too expensive to do everything. That is malarkey. This is all about priorities. And, quite frankly, this Congress and this administration has had the wrong priorities over the past 5 years.

For example, this year the tax cut for Americans who make over \$1 million is nearly \$60 billion. Let me repeat that, just 1 year of the Bush tax cut for Americans making over \$1 million is nearly \$60 billion.

In contrast, we dedicate roughly one-half of that—approximately \$32 billion—for the entire operations of the Department of Homeland Security.

We have invested twice as much for a tax cut for millionaires—less than 1 percent of the population—than we do for the Department intended to help secure the entire Nation.

For a nation that is repeatedly warned about the grave threats we face, how can this be the right priority?

The amendment that I am offering would change this by taking less than 1 year of the tax cut for millionaires—\$53.3 billion—and invest it in homeland security over the next 5 years.

By investing this over the next 5 years at just over \$10 billion per year, we could implement the 9/11 Commission recommendations and do those commonsense things that we know will make us safer.

For example, under this amendment, we could hire 50,000 additional police officers and help local agencies create locally based counterterrorism units.

We could hire an additional 1,000 FBI agents to help ensure that the FBI is able to implement critical reforms without abandoning its traditional crime-fighting functions.

We could also invest in security upgrades within our critical infrastructure and nearly double the funding for State homeland security grants.

And, the list goes on.

The bill that we are debating today is a good bill, and I am sure it will pass, but does anyone really believe that the \$400 million in port security grants authorized in it will really be funded? A look back at our recent appropriations bills tells us that this is not likely.

Just this July we passed the Department of Homeland Security appropriations budget. In that legislation, the Senate allocated only \$210 million for port security grants—just over one-half of what we are advocating be authorized in this bill.

Another example of this problem is our shameful record on providing funding for rail security. For the last two Congresses, the Senate has passed bipartisan rail security legislation sponsored by myself and Senator MCCAIN, and others.

This legislation authorizes \$1.2 billion to secure the soft targets in our

rail system, such as the tunnels and stations. In fact, this legislation was added as an amendment to this bill 2 days ago. I thank my colleagues for including it, but we all understand that there is no chance of fully funding it unless we change our priorities.

Indeed, this body has voted against funding rail security when I have offered it as an amendment to the Department of Homeland Security appropriations bill the past 2 years. During that time, only \$150 million per year has been allocated for rail and transit security with less than \$15 million allocated for Amtrak security.

So while I thank my colleagues for recognizing the need for increased rail security by adopting the McCain-Biden amendment, it is clear that it won't mean much. Unfortunately, this is an example that is repeated over and over.

We know that the murder rate is up and that there is an officer shortage in communities throughout the Nation. Yet, we provide zero funding for the COPS hiring program and we have slashed funding for the Justice Assistance Grant.

We know that our first responders can't talk because they don't have enough interoperable equipment. Yet, we have not forced the networks to turn over critical spectrum, and we vote down funding to help local agencies purchase equipment every year.

We know that only 5 percent of cargo containers are screened, yet we do not invest in the personnel and equipment to upgrade our systems.

We know that our critical infrastructure is vulnerable. Yet, we allow industry to decide what is best and provide scant resources to harden soft targets.

The 9/11 Commission's Report Card issued last December stated bluntly that "it is time we stop talking about setting priorities and actually set some."

With this amendment, we set some priorities.

I won't go through the entire amendment on the floor, but I would like to touch on the highlights.

First, we provide the funding necessary to implement the recommendations of the 9/11 Commission.

Next, we take the commonsense steps to make our Nation safer.

We make sure that law enforcement and first responders have the personnel, equipment, training, and are sufficiently coordinated to do the job.

With this trust fund we could provide: \$1.15 billion per year for COPS grants; \$160 million per year to hire 1,000 FBI agents; \$200 million to hire and equip 1,000 rail police; \$900 million for the Justice Assistance Grants; \$1 billion per year for interoperable communications; and \$1 billion for Fire Act and SAFER grants.

We could invest in screening technologies: \$100 million to improve airline screening checkpoints; \$100 million for research and development on improving screening technologies.

We set aside funding for our critical infrastructure: \$500 million per year for

general infrastructure grants; \$500 million per year for port security grants; \$200 million per year to harden our rail infrastructure.

And, the list goes on.

Mr. President, I will conclude where I started. This is all about setting the right priorities for America. Instead of giving a tax cut to the richest Americans who don't need it we should take some of it and dedicate it towards the security of all Americans.

Our Nation's most fortunate are just as patriotic as the middle class. They are just as willing to sacrifice for the good of our Nation. The problem is that no one has asked them to sacrifice.

If we adopt this amendment, we will be asking them to sacrifice for the good of the Nation, and I am convinced that they would gladly help us out. We have done this before with the Violent Crime Trust Fund.

This amendment is about reordering our homeland security priorities, and I urge my colleagues to support it.

Mr. President, I thank my colleague, the Senator from Washington, for yielding me the time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

AMENDMENT NO. 4936

Mr. STEVENS. Mr. President, I want to be as constrained as possible on this concept, but I do want to talk about this amendment of Senator REID's. It is a 500-plus-page amendment to be added to our port security bill, and most of the provisions are totally unrelated to port security. It covers Iraq policy; intelligence reform; all of the 9/11 Commission reforms; troop redeployment concepts; Iraqi contractor provisions; a section regarding detainees, such as those people at Guantanamo Bay; immigration and border security; and a whole section on transportation.

Now, I do not know if the Senate realizes, but the port security bill that our committee, the Commerce Committee, reported was originally Senator INOUE's bill. As a matter of fact, we took it and reviewed it and made some minor modifications to it, and Senator INOUE suggested that my name go first since I was chairman. We are cochairmen of the committee. As a matter of fact, it was the Inouye, Stevens, Collins, Lieberman, Grassley, Baucus, Coleman, Murray amendment that we were talking about when we finally got to the floor and put everything together.

We worked on trying to make this bill before the Senate a bipartisan bill, and what does my good friend—he is my good friend—the Democratic leader, do? He brings us a bill, 500 pages, totally partisan. There is no bipartisanship in that bill at all. In each instance, it is the minority's position on these very controversial subjects.

We have worked 18 months to come to the floor with bills from three committees—a bipartisan approach—and

we are at the last minute supposed to vote on an amendment with 500-plus pages on a whole series of things.

I remember people used to say: It's everything but the kitchen sink. Do you know what I mean? There is so much in this bill that is totally partisan—it is awesome—when we are working to try to finish up this year and trying to reach out and be bipartisan. Above all bills, this bill we brought to the floor was bipartisan—three separate committees on a bipartisan basis. And from all three committees, the ranking members and the chairmen signed that bill.

Now, I cannot think of anything that has been done to destroy the bipartisanship we seek to have to deal with issues such as security other than this bill. Why should we be forced to have a cloture vote or raise a point of order against a bill like that? It should not have been brought to the floor.

Now, it is time we settled down and started thinking about: How can we get our work done? There are going to be elections soon, and it is a tough period for everybody. One-third of the Senate is up for election. I know that. We all know that. And we try to understand, on a bipartisan basis, we should do some things and not be offensive to people who are up for election.

I hope I am not being offensive to my friend from Nevada. But I am telling him he should not, as a leader, do this. And it is time we thought about how we can settle problems like the security at our ports. The bill we brought to the floor could have been passed with one or two amendments in a few hours. As a matter of fact, we thought that was going to happen. We really did. Because of the cooperation that was there from each committee and the work we did literally through our staffs and through the members of consolidating the work of three different committees on a bipartisan basis, we thought we had this subject covered. But the amendments that are being brought to us now have nothing to do with port security.

We thought we would emphasize port security. At the suggestion of the Senator from Arizona, Mr. McCAIN, we put rail security in. It, too, is so interlocked with port security, it was justifiable. And, again, that portion of the bill was bipartisan. No question about it. That was part of the work of our committee on railroad and rail security.

But I say to the Senate, time is now a commodity before the election. There is very little of it left. I would hope we don't have any more of these amendments. And if we do, I think we ought to face the question of just immediately tabling them. Let's stay directed toward what our work demands of us; and that is, to take the action that is necessary to assure security in the different modes of transportation that our people must use. I hope we will have no more of these amendments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, what is the time situation between the two parties?

The PRESIDING OFFICER. The majority has 28 minutes 41 seconds. The minority has 21 minutes 23 seconds.

Mr. STEVENS. Then, Mr. President, I ask unanimous consent that the time in the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, let me just add to the comments made by the distinguished chairman of the Commerce Committee about the amendment offered by the Democratic leader. I mentioned earlier that this amendment is 507 pages. This, in my hand, is the port security bill. Now, this, in my hand, is the Reid amendment. I can barely lift it. It requires no fewer than 95 reports, certifications, and determinations. It has 37 pages of findings. It has 16 sense-of-the-Congress resolutions. It requires 36 GAO reports and audits.

But what is not in there? There is virtually nothing in there that relates to port or maritime security. In fact, we have now done a search of the entire amendment. We found one—one—reference to port security and one reference to maritime and cargo security in the entire Reid amendment.

I think that makes the point. I think that says it all. This amendment is irrelevant to the underlying bill.

As I mentioned earlier, it includes provisions that the Senate has already decisively rejected on what our policy should be in Iraq and what the funding formula should be for the homeland security grant program. It is not as if those provisions were rejected years ago; they were rejected just a few months ago. So it makes no sense for this amendment to include formula changes and a change in our policy in Iraq that this body, by more than 60 votes in each case, decisively rejected.

In fact, when it comes to the funding formula for homeland security grants, the majority of the Democratic Caucus rejects the formula change that is included in the Reid amendment. As I mentioned, over 100 pages of the Reid amendment deal with foreign policy recommendations, public diplomacy recommendations of the 9/11 Commission that are already law. They are virtually identical to a title of the Intelligence Reform Act of 2004, which is al-

ready law. Other provisions in the Reid amendment we have passed during the debate on the port security bill—the proposals of Senator McCAIN and Senators SHELBY and SARBANES on rail and mass transit security. We already adopted those. Those are redundant at best.

What it comes down to is, unfortunately, this is simply a partisan amendment. That is so unfortunate because the work on this port security bill has never been partisan—never. There have been leaders such as Senator MURRAY and Senator LIEBERMAN on the Democratic side. There have been leaders on the Republican side. The Permanent Subcommittee on Investigations of the Homeland Security Committee did investigations of the port security programs that were completely bipartisan, headed by Senators NORMAN COLEMAN and CARL LEVIN. The committee consideration both in the Homeland Security Committee and the Commerce Committee was completely bipartisan. This has been a bipartisan effort in the House of Representatives, as well, where the bill was sponsored by Representatives DAN LUNGREN and JANE HARMON. It has been bipartisan since the conception to where we are today.

It is so unfortunate to have a blatantly partisan amendment, 507 pages, that swamps the bill and has nothing to do with the bill offered by the Democratic leader. So I hope our colleagues will take a look at what is really in the Reid amendment. I fear we may well have a partisan vote. I hope we do not. I think if my friends and colleagues on the other side of the aisle actually look at what is in the Reid amendment, I would be surprised if they vote for it because they voted against large chunks of it in the past.

So I hope once we have disposed of the Democratic leader's amendment, we can return to the constructive, bipartisan approach that we have taken on this bill. This is an important bill. It is a bill that matters to the security of our country. It is a bill that is too important to be bogged down in partisan politics. It has never been bogged down in partisan politics. It has been bipartisan every step of the way. Let's conclude consideration of this bill in a bipartisan way, in a way that reflects well on this Senate, and send this important bill to the President for his signature.

I yield the floor, and I reserve the remainder of the time.

Mrs. MURRAY. Mr. President, I yield 9 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank the Senator from Washington for her good work. I thank Senator COLLINS for her work on port security. I am proud to say that in the Commerce Committee, in a bipartisan way, we have worked over and over again to make this country safer. I was part of that

under the leadership of Senator MCCAIN at the time, and first Senator HOLLINGS and now Senator STEVENS.

I want to show you a little bit of history about what has happened in the Republican Congress every time we have voted out one of these good bills because you can say what you want about partisan politics, but the fact is, almost every single time we reported one of these bills out of our committee, it simply died and went nowhere. I want to talk about that history because, of course, Senator COLLINS is right that protecting Americans is our job. It has nothing to do with being a Democrat or a Republican.

Here is what happened. In the 107th Congress, we passed the Ship, Seafarer, and Container Security Act; no action by the full Senate. In the 108th Congress, we passed the Maritime Transportation Security Act of 2004. It passed the Senate on September 21, 2004, and was not even considered in the House of Representatives. In the 109th Congress, we passed the Transportation Security Improvement Act of 2005. Commerce passed it on November 17, 2005; no action by the full Senate.

There you have it. Do you wonder why the 9/11 Commission has given this Congress and this administration failing grades? You can talk about bipartisanship. We reported these bills out of the committee on a bipartisan basis, but the leadership never bothered. So when I heard that the last days of this session were going to be about homeland defense, I said thank God for that, thank goodness for that. Whether it is an election driving it or anything else, I could not care less. Let's get it done. This Congress and this administration have received failing grades from the 9/11 Commission.

I ask unanimous consent to have this document printed in the RECORD, which is a final report on 9/11 Commission recommendations.

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

FINAL REPORT ON 9/11 COMMISSION  
RECOMMENDATIONS, DECEMBER 5, 2005  
PART I: HOMELAND SECURITY, EMERGENCY  
PREPAREDNESS AND RESPONSE

*Recommendation—Grade*

EMERGENCY PREPAREDNESS AND RESPONSE

*Provide adequate radio spectrum for first responders—F (C if bill passes)*

The pending Fiscal Year 2006 budget reconciliation bill would compel the return of the analog TV broadcast (700 Mhz) spectrum, and reserve some for public safety purposes. Both the House and Senate bills contain a 2009 handover date—too distant given the urgency of the threat. A 2007 hand over date would make the American people safer sooner.

*Establish a unified Incident Command System—C*

Although there is awareness of and some training in the ICS, hurricane Katrina demonstrated the absence of full compliance during a multi-jurisdictional/statewide catastrophe—and its resulting costs.

*Allocate homeland security funds based on risk—F (A if House provision passes)*

Congress has still not changed the underlying statutory authority for homeland secu-

rity grants, or benchmarks to insure that funds are used wisely. As a result, homeland security funds continue to be distributed without regard for risk, vulnerability, or the consequences of an attack, diluting the national security benefits of this important program.

*Critical infrastructure risks and vulnerabilities assessment—D*

A draft National Infrastructure Protection Plan (November 2005) spells out a methodology and process for critical infrastructure assessments. No risk and vulnerability assessments actually made; no national priorities established; no recommendations made on allocation of scarce resources. All key decisions are at least a year away. It is time that we stop talking about setting priorities, and actually set some.

*Private sector preparedness—C*

National preparedness standards are only beginning to find their way into private sector business practices. Private sector preparedness needs to be a higher priority for DHS and for American businesses.

TRANSPORTATION SECURITY

*National Strategy for Transportation Security—C—*

DHS has transmitted its National Strategy for Transportation Security to the Congress. While the strategy reportedly outlines broad objectives, this first version lacks the necessary detail to make it an effective management tool.

*Improve airline passenger pre-screening—F*

Few improvements have been made to the existing passenger screening system since right after 9/11. The completion of the testing phase of TSA's pre-screening program for airline passengers has been delayed. A new system, utilizing all names on the consolidated terrorist watch list, is therefore not yet in operation.

*Improve airline screening checkpoints to detect explosives—C*

While more advanced screening technology is being developed, Congress needs to provide the funding for, and TSA needs to move as expeditiously as possible with, the appropriate installation of explosives detection trace portals at more of the Nation's commercial airports.

*Checked bag and cargo screening—D*

Improvements here have not been made a priority by the Congress or the administration. Progress on implementation of in-line screening has been slow. The main impediment is inadequate funding.

BORDER SECURITY

*Better terrorist travel strategy—Incomplete*

The first Terrorist Travel Strategy is in development, due to be delivered by December 17, 2005 as required by PL 108-458.

*Comprehensive screening system—C*

We still do not have a comprehensive screening system. Although agencies are moving ahead on individual screening projects, there is lack of progress on coordination between agencies. DHS' new Screening Coordination Office still needs to establish and implement goals for resolving differences in biometric and traveler systems, credentialing and identification standards.

*Biometric entry-exit screening system—B*

The US-VISIT system is running at 115 airports and 15 seaports, and is performing secondary screening at the 50 busiest land borders. But border screening systems are not yet employed at all land borders, nor are these systems interoperable. The exit component of the US-VISIT system has not been widely deployed.

*International collaboration on borders and document security—D*

There has been some good collaboration between US-VISIT and Interpol, but little progress elsewhere. There has been no systematic diplomatic effort to share terrorist watchlists, nor has Congress taken a leadership role in passport security.

*Standardize secure identifications—B—*

The REAL ID Act has established by statute standards for state-issued IDs acceptable for federal purposes, though states' compliance needs to be closely monitored. New standards for issuing birth certificates (required by law by December 17, 2005) are delayed until at least spring 2006, probably longer. Without movement on the birth certificate issue, state-issued IDs are still not secure.

PART II: REFORMING THE INSTITUTIONS OF  
GOVERNMENT

*Recommendation—Grade*

THE INTELLIGENCE COMMUNITY

*Director of National Intelligence—B*

The framework for the DNI and his authorities are in place. Now his challenge is to exercise his authorities boldly to smash stovepipes, drive reform, and create a unity of effort—and act soon. He must avoid layering of the bureaucracy and focus on transformation of the Intelligence Community. The success of this office will require decisive leadership from the DNI and the president, and active oversight by the Congress.

*National Counterterrorism Center—B*

Shared analysis and evaluation of threat information is in progress; joint operational planning is beginning. But the NCTC does not yet have sufficient resources or personnel to fulfill its intelligence and planning role.

*Create FBI national security workforce—C*

Progress is being made—but it is too slow. The FBI's shift to a counterterrorism posture is far from institutionalized, and significant deficiencies remain. Reforms are at risk from inertia and complacency; they must be accelerated, or they will fail. Unless there is improvement in a reasonable period of time, Congress will have to look at alternatives.

*New missions for CIA Director—Incomplete*

Reforms are underway at the CIA, especially of human intelligence operations. But their outcome is yet to be seen. If the CIA is to remain an effective arm of national power, Congress and CIA leadership need to be committed to accelerating the pace of reforms, and must address morale and personnel issues.

*Incentives for information sharing—D*

Changes in incentives, in favor of information sharing, have been minimal. The office of the program manager for information sharing is still a start-up, and is not getting the support it needs from the highest levels of government. There remain many complaints about lack of information sharing between federal authorities and state and local level officials.

*Government-wide information sharing—D*

Designating individuals to be in charge of information sharing is not enough. They need resources, active presidential backing, policies and procedures in place that compel sharing, and systems of performance evaluation that appraise personnel on how they carry out information sharing.

*Homeland airspace defense—B—*

Situational awareness and sharing of information has improved. But it is not routine or comprehensive, no single agency currently leads the interagency response to airspace violations, and there is no overarching

plan to secure airspace outside the National Capital region.

#### CIVIL LIBERTIES AND EXECUTIVE POWER

##### *Balance between security and civil liberties—B*

The debate surrounding reauthorization of the PATRIOT Act has been strong, and concern for civil liberties has been at the heart of it. Robust and continuing oversight, both within the Executive and by the Congress, will be essential.

##### *Privacy and Civil Liberties Oversight Board—D*

We see little urgency in the creation of this Board. The President nominated a Chair and Vice Chair in June 2005, and sent their names to the Senate in late September. To date, the Senate has not confirmed them. Funding is insufficient, no meetings have been held, no staff named, no work plan outlined, no work begun, no office established.

##### *Guidelines for government sharing of personal information—D*

The Privacy and Civil Liberties Oversight Board has not yet begun its work. The DNI just named a Civil Liberties Protection Officer (November 2005).

#### CONGRESSIONAL AND ADMINISTRATIVE REFORM

##### *Intelligence oversight reform—D*

The House and Senate have taken limited positive steps, including the creation of oversight subcommittees. However, the ability of the intelligence committees to perform oversight of the intelligence agencies and account for their performance is still undermined by the power of the Defense Appropriations subcommittees and Armed Services committees.

##### *Homeland Security committees—B*

The House and Senate have taken positive steps, but Secretary Chertoff and his team still report to too many bosses. The House and Senate homeland security committees should have exclusive jurisdiction over all counterterrorism functions of the Department of Homeland Security.

##### *Declassify overall intelligence budget—F*

No action has been taken. The Congress cannot do robust intelligence oversight when funding for intelligence programs is buried within the defense budget. Declassifying the overall intelligence budget would allow for a separate annual intelligence appropriations bill, so that the Congress can judge better how intelligence funds are being spent.

##### *Standardize security clearances—B*

The President put the Office of Management and Budget (OMB) in charge of standardizing security clearances. OMB issued a plan to improve the personnel security clearance process in November 2005. The Deputy Director of OMB is committed to its success. All the hard work is ahead.

#### PART III: FOREIGN POLICY, PUBLIC DIPLOMACY, AND NONPROLIFERATION

##### *Recommendation—Grade*

#### NONPROLIFERATION

##### *Maximum effort by U.S. government to secure WMD—D*

Countering the greatest threat to America's security is still not the top national security priority of the President and the Congress.

#### FOREIGN POLICY

##### *Long-term commitment to Afghanistan—B*

Progress has been made, but attacks Taliban and other extremists continue

and the drug situation has worsened. The U.S. and its partners must commit to a long-term economic plan in order to ensure the country's stability.

##### *Support Pakistan against extremists—C+*

U.S. assistance to Pakistan has not moved sufficiently beyond security assistance to include significant funding for education efforts. Musharraf has made efforts to take on the threat from extremism, but has not shut down extremist-linked madrassas or terrorist camps. Taliban forces still pass freely across the Pakistan-Afghanistan border and operate in Pakistani tribal areas.

##### *Support reform in Saudi Arabia—D*

Saudi authorities have taken initial steps but need to do much more to regulate charities and control the flow of funds to extremist groups, and to promote tolerance and moderation. A U.S.-Saudi strategic dialogue to address topics including reform and exchange programs has just started; there are no results to report.

##### *Identify and prioritize terrorist sanctuaries—B*

Strategies have been articulated to address and eliminate terrorist sanctuaries, but they do not include a useful metric to gauge progress. There is little sign of long-term efforts in place to reduce the conditions that allow the formation of terrorist sanctuaries.

##### *Coalition strategy against Islamist terrorism—C*

Components of a common strategy are evident on a bilateral basis, and multilateral policies exist in some areas. But no permanent contact group of leading governments has yet been established to coordinate a coalition counterterrorism strategy.

##### *Coalition standards for terrorist detention—F*

The U.S. has not engaged in a common coalition approach to developing standards for detention and prosecution of captured terrorists. Indeed, U.S. treatment of detainees has elicited broad criticism, and makes it harder to build the necessary alliances to cooperate effectively with partners in a global war on terror.

##### *Economic policies—B+*

There has been measurable progress in reaching agreements on economic reform in the Middle East, including a free trade agreement with Bahrain and the likely admission of Saudi Arabia to the WTO before long. However, it is too early to judge whether these agreements will lead to genuine economic reform.

##### *Vigorous effort against terrorist financing—A-*

The U.S. has won the support of key countries in tackling terrorism finance—though there is still much to do in the Gulf States and in South Asia. The government has made significant strides in using terrorism finance as an intelligence tool. However, the State Department and Treasury Department are engaged in unhelpful turf battles, and the overall effort lacks leadership.

#### PUBLIC DIPLOMACY

##### *Define the U.S. message—C*

Despite efforts to offer a vision for U.S. leadership in the world based on the expansion of democratic governance, public opinion approval ratings for the U.S. throughout the Middle East remain at or near historic lows. Public diplomacy initiatives need to communicate our values, way of life, and vision for the world without lecturing or condescension.

#### International broadcasting—B

Budgets for international broadcasting to the Arab and Muslim world and U.S.-sponsored broadcasting hours have increased dramatically, and audience shares are growing. But we need to move beyond audience size, expose listeners to new ideas and accurate information about the U.S. and its policies, and measure the impact and influence of these ideas.

##### *Scholarship, exchange, and library programs—D*

Funding for educational and cultural exchange programs has increased. But more American libraries (Pakistan, for example) are closing rather than opening. The number of young people coming to study in the U.S. from the Middle East continues to decline (down 2% this year, following declines of 9% and 10% in the previous two years).

##### *Support secular education in Muslim countries—D*

An International Youth Opportunity Fund has been authorized, but has received no funding; secular education programs have been initiated across the Arab world, but are not integrated into a broader counterterrorism strategy. The U.S. has no overarching strategy for educational assistance, and the current level of education reform funding is inadequate.

Mrs. BOXER. Mr. President, here are some of the things on which we received bad grades: We are not providing adequate radio spectrum for first responders. We are not establishing a unified incident command system. We are not allocating homeland security funds based on risk. We are not protecting the critical infrastructure. We don't have a private sector that is prepared. We don't have a national strategy for transportation security. We are not prescreening passengers like we should be. We don't have screening checkpoints detecting explosives. We are still not screening the cargo that goes into passenger planes, even though they are taking away our lip gloss. I don't care about giving up my lip gloss, believe me. I would give up my lip gloss and everything else, but how about protecting the cargo that goes underneath that passenger plane? How about making sure it is safe, making sure it won't explode?

I have an amendment that I will offer to this bill—unless the majority shuts me down—to say that until we are screening all of the cargo, let's make sure there is a blast-resistant container on these aircrafts. That is a recommendation of the 9/11 Commission that has not been followed. So when you have a suspect piece of cargo and you are not sure about it, put it into the blast-resistant cargo container. We pushed this in the Commerce Committee. TSA tested it and we know it works. But it is not happening.

I could go on, page after page of this document, where this Congress and this administration have failed. I say they have been soft on homeland defense. Why? I say two reasons: They cannot afford it because they are spending our money in Iraq instead of protecting us from the terrorists at home, instead of going after Osama bin Laden in Afghanistan. The President says over and over again that it is one

and the same. Do you know what? The bipartisan Senate Intelligence Committee was right out there and said Saddam Hussein—the tyrant though he is, and he deserves whatever fate awaits him—had not one thing to do with al-Qaida. As a matter of fact, he was threatened by them because he had a secular government. He was fearful of them, and rumors were that he wanted some of them assassinated.

The war in Iraq has strengthened Iran. It is a recruiting tool for Osama bin Laden. It is busting the budget. It is causing the debt to explode, not to mention the deaths of close to 3,000 of our service men and women, and 20,000 have been severely injured. The money going there is about \$10 billion a month. We could protect every single American aircraft today from the threat of shoulder-fired missiles with the cost of Iraq in 1 month.

Then there is the other priority of this administration—tax breaks for billionaires. That is costing trillions. Look at every other President in the history of our country; they didn't do that in a time of war. So you have the war in Iraq, and the only strategy we have from this President is that we are going to be there "as long as I am the President." Well, that is not a strategy; that is a recipe for more death, more destruction. That is clear.

There are many ways that we could begin reducing the cost over there—the cost to our troops. We can say to the Iraqi people that our people have fought and died for you; now take the reins of your own government and protect yourselves. If you cannot figure out how to protect neighbor from neighbor, you have a problem. Nobody did it for us. Everybody always says compare what happened in Iraq to the American Revolution. I don't get the comparison, but if we go with that for a minute, it is true that other countries helped us in that battle—France, for example—but at the end of the day, we had to take over the security on the ground and make our new country a success. So we cannot force democracy and force people to love each other at the point of a gun. It is their business.

We have spent our treasure and are spending our treasure to the point where we cannot afford a comprehensive bill. You heard Senator COLLINS say, "I hope you will vote against this broad bill." Why? We have been condemned by the 9/11 Commission for not doing enough in a broad way. This bill just does port security. Thank goodness we have amendments to add rail and transit. It is moving toward the Reid bill. Let this go on because the more we debate and the more we offer amendments, the more this bill looks like the Democratic alternative. It has taken a big step in that direction.

We know what happened in Madrid. We saw what happened in London. We know our infrastructure is at risk. But 5 years after 9/11, we get failing grades. It is a sad moment.

I thank my colleague, Senator COLLINS, and I thank my colleague, Sen-

ator MURRAY, two fantastic women who fought hard to get a port security bill to the floor. But let's welcome this as an opportunity to protect our people, not just focus narrowly on one problem.

I hate to say it, we have an array of problems. We have 41 problems and 41 recommendations of the 9/11 Commission, the bipartisan Commission we have not listened to, and that is what the Reid bill does. It is very important.

I thank my colleagues for going as far as they have gone, but I hope we will go even further and change this truth that this Congress has been soft on homeland defense. We can change that, and I welcome the fact that we will be debating security from now until we get out of here because if ever there were a place we have neglected, it is homeland security.

I am very happy to be part of this debate. I look forward to supporting the Reid amendment and all the other amendments that will make our country safer. We can scare people. We can make speeches and frighten them. That is not our job. Our job is to protect them, not to scare them. We haven't done that, and we have an opportunity to do that between now and the time we get out of here and go home.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

THE PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mrs. MURRAY. Mr. President, how much time is remaining on the Democratic side?

THE PRESIDING OFFICER. There is 6½ minutes remaining.

Mrs. MURRAY. Mr. President, I yield all our remaining time to Senator DURBIN.

THE PRESIDING OFFICER. The Senator from Illinois is recognized for 6½ minutes.

Mr. DURBIN. I thank the Chair. Mr. President, I thank my colleague from the State of Washington for her leadership on this bill relative to port security. It is a very important bill.

Of course, the Port of Chicago is concerned about these issues, as many are around the country. We understand this is basically an authorization bill and that before things will happen, money has to be appropriated. So an authorization is a promise; an appropriation is a reality. I hope we can follow through with the good promises that are included in this bill, many important good promises, with the reality of appropriating money for that par-

ticular effort. But what we have offered in addition to the port security bill is the Real Security Act which has been proposed by the Democratic side.

In just the few moments I have, I wish to outline what we do.

First, we are going to rely on the expertise of a bipartisan group that has gained great respect across the Nation, and that, of course, is the 9/11 Commission. The 9/11 Commission, with Governor Kean of New Jersey, a Republican, and Congressman Hamilton, a Democrat, came up with 41 recommendations to make America safer. They published those recommendations more than 2 years ago. It was a blueprint for making this a safer nation.

This Commission has stayed in business long enough to grade the administration and Congress on its response. The results of their last report card were alarming. Last December, they graded our Government's progress as follows: 5 F's, 12 D's, 9 C's, and one A-minus. That is it. For 41 recommendations, we ended up being told by this Commission that we are not paying attention.

The Real Security Act, which the Democrats propose, basically says as a starting point that we need to establish a comprehensive system to make certain the 9/11 recommendations are followed. That, to me, should be a bipartisan starting point. But the President's budget and the actions of Congress have not allowed us to reach that goal.

We also believe we cannot talk about a secure America without speaking about the obvious: 145,000 Americans are risking their lives in Iraq today as we stand in the safety of this Chamber; 2,671 of our bravest soldiers have died, 19,000 seriously injured; and a war that has cost us \$325 billion with no end in sight. That is the reality.

We believe that if we learned the lessons of 9/11, we need to bring our troops home with their mission truly accomplished. That means a partial redeployment of troops this year so the Iraqis take responsibility for their own defense and their own future.

There is also an element in this bill that is near and dear to me, and it relates to the issue of transportation. We are just not doing enough. We know at the airports, when we have to take off our shoes, they go through our luggage, and we hand over our toothpaste, what is going on there. What is happening in other places? We are not doing enough when it comes to making Amtrak safer.

Three million Illinoisans ride Amtrak each year. Yet neither Amtrak's tracks nor its Midwest hub, Chicago's Union Station, is as secure as it should be. The Chicago Transit Agency alone has over \$500 million in unmet security needs. And the Port of Chicago, as I mentioned earlier, needs more funds for homeland security.

I am afraid that the Bush administration and this Republican-led Congress have also done little or nothing

to deal with the potential threats at our nuclear powerplants and our chemical industry plants. These, I am afraid, could be a tempting terrorist target.

In our bill, the Real Security Act, on the Democratic side, proposes we spend money to make certain they are safer, that we authorize this expenditure. We want to equip our intelligence community to fight the war against terrorism. Intelligence is our first line in defense. For the first time in 28 years, the Republican Congress has failed to pass an intelligence authorization act. Our amendment does that, to make sure the intelligence agencies have the authorizations they need and the guidance they need to keep America safe.

We also need to provide better tools to bring terrorists to justice. We believe we can do this without abandoning the Constitution or the rule of law.

I salute the Presiding Officer, who has shown extraordinary leadership in this area. His background in the Air Force and his service in the Judge Advocate General Service Corps has made him a very valuable voice in this debate.

I am hopeful that we can show we can keep America safe without abandoning our values, that we can fight terrorism while still honoring those basic principles, those constitutional principles we have all sworn to uphold. We can bring these terrorists to justice. We can do it in a way that we can point to with pride, that the world can judge was a fair proceeding and, in so doing, we can demonstrate to the world that the rule of law is worth following, even when a nation is under attack and threat of terrorism.

This Real Security Act of 2006 is a comprehensive effort on the Democratic side to complement the underlying bill and to make sure we don't do just part of the job but do the entire job, that we move forward to make America safer.

We understand the threat. We live in a dangerous world. The fifth anniversary of 9/11 was a reminder to all of us where we were on that fateful day. If we are going to look forward and say to the American people: We can make your country and our country safer, then we should enact the Real Security Act, the amendment pending before the Senate.

Wouldn't it be refreshing if our Republican colleagues would join us in supporting this amendment, if we could return to the bipartisan spirit that followed 9/11 and do something in concert without partisan division? It really makes America safer.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). Who yields time?

Mrs. MURRAY. Madam President, how much time is remaining?

The PRESIDING OFFICER. There is 17 minutes 28 seconds for the majority and 29 seconds for the minority.

The Senator from Maine.

Ms. COLLINS. Madam President, I yield 5 minutes to the Senator from Kansas, the distinguished chairman of the Intelligence Committee.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. ROBERTS. Madam President, I rise today in opposition to the amendment that is proposed by Senator REID. The title of the act Senator REID has proposed is called Real Security. If my colleagues on the other side of the aisle actually believe this amendment is real security, I encourage every American to go home and simply lock their doors.

There are provisions in the amendment that I like. In particular, I support the passage of the Intelligence Authorization Act as it was reported by the Intelligence and the Armed Services Committees. I hope the Senate can act on that bill by unanimous consent without insisting on needless partisan debate on a bill that has bipartisan support.

But now, on the other hand, I oppose the sense-of-Congress language Senator REID has inserted in that bill that suggests the terrorist surveillance program is unlawful. Talk about the sense of the Congress—that means the Congress would not have any sense.

Like most Americans, I believe the President should use all the authority provided by the Constitution and laws of the United States to prevent terrorists from killing innocent Americans. If terrorists outside the United States are placing calls to individuals in the United States, as many people have said over and over and over and over again, our intelligence agencies should know about it.

The terrorist surveillance program is lawful. It has been effective. I will oppose any legislation that does not support the continuation of that very valuable program. The bottom line on the terrorist surveillance program is this: The men and women of the NSA are working hard to protect our country day in and day out. We should let these patriotic Americans get back to doing their job.

Beyond that, I am convinced that my colleagues consulted perhaps a group of tenth grade English teachers in preparing this amendment. I haven't seen so many assigned reports since I was in high school.

Instead of providing flexible authorities to protect our Nation, my colleagues on the other side of the aisle have proposed approximately 52—a deck of cards, 52—I say that again, 52 new and continuing reporting requirements. That is one new reporting requirement for every 9 pages of the amendment.

The U.S. Government should be focused on securing our borders, disrupting terrorists, and protecting our ports. This amendment does nothing but divert focus to reporting requirements.

My colleagues have also resorted to an old standby: If you don't have any

ideas, throw money and people at a problem. There are about 29 sections that propose new or additional ways to spend our limited resources. We haven't had any committee hearings on these, but they are reported. There are three provisions that increase the size of our Government by adding more personnel.

As a substitute for congressional consideration of legislation to respond to the Supreme Court's Hamdan decision, my colleagues have proposed yet another national commission—yet another national commission. I am not going to go through the trouble of listing all of the commissions that we have had in the last 4 or 5 years. This one, however, is to focus on the detention and interrogation of terrorists captured in the war on terror. Let me give my colleagues the bottom line on the Government's detention and interrogation programs—and there will be legislation that already is reported from the Senate Judiciary Committee to take care of that—they have kept this Nation safe. I think we can forego another commission.

Finally, Senator REID's amendment would authorize three new administrative subpoenas: one for the new commission, one for the Privacy and Civil Liberties Oversight Board, and one for a new Senate committee.

If Senator REID and his colleagues want real security, they should strip out these provisions and simply give the FBI an administrative subpoena to track terrorists and spies. But that is the point of this bill; it is not about real security. This bill is about real Monday morning quarterbacking. It is about tying the hands of our homeland security and intelligence professionals as they attempt to protect this Nation.

The only way this amendment would make the Nation safer is if we made copies of all of the reports that it requires and carpet-bombed Osama bin Laden. I am certain he would suffocate.

I will not support this amendment. I urge my colleagues to oppose it as well.

Mr. LIEBERMAN. Madam President, I am voting today to remove the budgetary point of order in order to consider the REAL security amendment offered by Senator REID. In doing so, I am following through on my long-standing commitment to pass and adequately fund all of the key recommendations of the 9/11 Commission for preventing future terrorist attacks and protecting our country and our people.

If the Senate votes to allow consideration of the amendment, I will introduce a second-degree amendment to strike the provisions on Iraq from the REAL security proposal because they contain language calling for a deadline-driven withdrawal of troops from Iraq, which I have consistently opposed.

I yield the floor.

Ms. COLLINS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. COLLINS. Madam President, it is interesting to hear my friends on the other side of the aisle talk about the 9/11 Commission and then imply that the Reid amendment would finish the job of the 9/11 Commission. In fact, as I pointed out earlier, over 100 pages of the 507-page Reid amendment already are law. They are the foreign policy and public diplomacy recommendations that were recommended by the 9/11 Commission and included in the Intelligence Reform Act which became law 2 years ago—2 years ago. Many of the other recommendations of the 9/11 Commission were enacted as part of that legislation.

Now, there is one area where the 9/11 Commission did recommend changes that have not been completely made, and that is in the area of congressional oversight and the reorganization of committees. Instead, the Senate and the House adopted some, but not all, of those recommendations. But, ironically, the amendment proposed by the Democratic leader does not deal with that unfinished recommendation of the 9/11 Commission. So I don't want to leave the impression that the 9/11 Commission's recommendations are what are largely found in this amendment; they are not, other than the more than 100 pages on the foreign policy and public diplomacy recommendations, which are already law and have been for almost 2 years.

The fact is, our country has made tremendous progress in strengthening our security since 9/11. We have taken many actions, and if we talk to the experts, they will all tell us that those actions have made a difference. Are we completely safe? Of course not. We can never say that we are completely safe, but we are clearly safer than we were 5 years ago due to actions taken by this Congress, this administration, and State and local law enforcement. We have a ways to go, and the underlying bill on port security will help advance the security of this country.

So for the reasons I have already spoken on extensively today, I hope that our colleagues will vote to sustain the point of order which I will shortly be raising against Senator REID's amendment. It does violate the Budget Act, and I will be raising a point of order against it.

But aside from the budget issues, the procedural objections, I hope my colleagues will actually look at the Reid amendment and look at what it does contain. If they do, they will find only one reference in it to port security—only one reference in it to maritime and cargo security. They will instead find page after page of policy that this Senate has already rejected with regard to our engagement in Iraq and the

policy on the formula for homeland security grants. They will also find legislation that is already law, and they will find amendments that we have already adopted having to do with rail and mass transit security.

So, unfortunately—and I mean this—sadly, this amendment is simply a partisan hodgepodge of provisions that have been cobbled together. I hope we can dispense with it quickly and then move back to the port security bill, an enormously important bill, a bill that many of us have worked on for years, a bill that has been bipartisan from the very start in both the House and the Senate. That is unusual, as the Presiding Officer knows. This bill is an exception to the rule. But, apparently, we couldn't quite get through the floor debate without having a partisan bomb lobbed at this bill, and I think that is unfortunate. But I hope once we get through this, we can go back to bipartisan consideration of relevant and germane amendments and we can get this work done.

This is a gap in our homeland security. When we talk to the experts, they all tell us they are worried about the security of our seaports and the 11 million shipping containers that come into this country each year. We have a carefully crafted, balanced bill that strikes the right balance between the need to strengthen security and the need to facilitate trade.

Again, I recognize the work that Senator MURRAY has done on this bill. She originated a lot of the concepts in this bill. It has been that kind of bipartisan partnership that has brought us to where we are today. So let's get this partisanship out of the way, and let's return to a bipartisan debate. This bill is so important to the security of people living near our seaports, to those working on our seaports, to the retailers in this country that rely on the cargo brought into our seaports, to our farmers who rely on shipping their crops out of our seaports. Let's remember the impact of this bill on communities not just on our coasts where the seaports are located but communities all across this country that rely on the products brought to our shores by cargo ships, or rely on the cargo ships to export these products.

So I hope we can return to the underlying bill. It is a good bill, and it deserves continued bipartisan support.

Could the Presiding Officer inform me how many minutes are remaining on our side?

The PRESIDING OFFICER. There are 3½ minutes remaining on the majority side.

Ms. COLLINS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. COLLINS. Madam President, has all time expired under the time agreement?

The PRESIDING OFFICER. All time has expired.

Ms. COLLINS. Madam President, I raise a point of order against the Reid amendment because it violates section 302(f) of the Budget Act.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable sections of that act for purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

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

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—41

Baucus	Feingold	Lincoln
Bayh	Feinstein	Menendez
Biden	Harkin	Mikulski
Bingaman	Inouye	Murray
Boxer	Jeffords	Obama
Byrd	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Clinton	Kohl	Salazar
Conrad	Landrieu	Sarbanes
Dayton	Lautenberg	Schumer
Dodd	Leahy	Stabenow
Dorgan	Levin	Wyden
Durbin	Lieberman	

NAYS—57

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

NOT VOTING—2

Akaka Chafee

The motion was rejected.

The PRESIDING OFFICER. On this question, the yeas are 41, the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

The Senator from Alaska.

Mr. STEVENS. Is that a vote subject to reconsideration?

The PRESIDING OFFICER. Yes.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 4975

Mr. STEVENS. The Biden amendment is now the pending business?

The PRESIDING OFFICER. The Biden amendment is pending.

Mr. STEVENS. Madam President, I wish to discuss this for a few minutes.

I call to the attention of the Senate that this, too, is an all-inclusive amendment. It restores the cuts for law enforcement. It deals with all of the 9/11 Commission recommendations. It deals with requiring 100 percent screening of cargo containers, which is our objective. But we cannot do it all at once. It seeks to bring about screening technologies for liquid explosives and other hazardous materials. It has some interoperable language in it.

This represents a 32-percent annual increase over the current allocation of funds for the Department of Homeland Security. It requires a substantial addition to the Department of Homeland Security.

The interesting thing—and my friend from Delaware is innovative in terms of this—is it does not appropriate the money, but it requires the committee to come forward with a bill to provide \$53 billion additional for the Department of Homeland Security.

It is a very interesting amendment, there is no question about that. This is another one of those things everyone would like to do if they had the money to do it. Beyond that, the way it is done, it is a difficult amendment to deal with.

It is not necessary to carry out the port security bill or the real portion of this bill. It deals with an enormous number of issues beyond the scope of the bill. Under the circumstances, I have no alternative but to move to table this amendment. I give my friend from Delaware a chance if he wishes to make a final statement. I move to table the Senator's amendment, but I ask that there be consideration of a period of time prior to voting on that so the Senator may express his point of view; I would say 4 minutes equally divided, or something like that, before the vote.

I have been requested to state that we would like to have that vote take place at 2 p.m. today and prior to the vote have 4 minutes equally divided, with no amendments or other motions in order, and the motion to table subject only to the provision of 4 minutes before a vote is taken on that motion.

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

The Senator from New York.

## AMENDMENT NO. 4930, AS MODIFIED

Mr. SCHUMER. Madam President, I call for the regular order with respect to amendment No. 4930.

The PRESIDING OFFICER. That amendment is pending.

Mr. SCHUMER. I have a modification at the deck.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 4930), as modified, is as follows:

(Purpose: To improve maritime container security by ensuring that foreign ports participating in the Container Security Initiative scan all containers shipped to the United States for nuclear and radiological weapons before loading)

On page 5, strike line 21 and all that follows through page 62, line 11, and insert the following:

(9) INTEGRATED SCANNING SYSTEM.—The term “integrated scanning system” means a system for scanning containers with the following elements:

(A) The container passes through a radiation detection device.

(B) The container is scanned using gamma-ray, x-ray, or another internal imaging system.

(C) The container is tagged and catalogued using an on-container label, radio frequency identification, or global positioning system tracking device.

(D) The images created by the scans required under subparagraph (B) are reviewed and approved by the Secretary, or the designee of the Secretary.

(E) Every radiation alarm is resolved according to established Department procedures.

(F) The information collected is utilized to enhance the Automated Targeting System or other relevant programs.

(G) The information is stored for later retrieval and analysis.

(10) INTERNATIONAL SUPPLY CHAIN.—The term “international supply chain” means the end-to-end process for shipping goods to or from the United States from a point of origin (including manufacturer, supplier, or vendor) through a point of distribution.

(11) RADIATION DETECTION EQUIPMENT.—The term “radiation detection equipment” means any technology that is capable of detecting or identifying nuclear and radiological material or nuclear and radiological explosive devices.

(12) SCAN.—The term “scan” means utilizing nonintrusive imaging equipment, radiation detection equipment, or both, to capture data, including images of a container.

(13) SCREENING.—The term “screening” means a visual or automated review of information about goods, including manifest or entry documentation accompanying a shipment being imported into the United States, to determine the presence of misdeclared, restricted, or prohibited items and assess the level of threat posed by such cargo.

(14) SEARCH.—The term “search” means an intrusive examination in which a container is opened and its contents are devanned and visually inspected for the presence of misdeclared, restricted, or prohibited items.

(15) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

(16) TRANSPORTATION DISRUPTION.—The term “transportation disruption” means any significant delay, interruption, or stoppage in the flow of trade caused by a natural disaster, labor dispute, heightened threat level, an act of terrorism, or any transportation security incident defined in section 70101(6) of title 46, United States Code.

(17) TRANSPORTATION SECURITY INCIDENT.—The term “transportation security incident” has the meaning given the term in section 70101(6) of title 46, United States Code.

## TITLE I—SECURITY OF UNITED STATES SEAPORTS

## Subtitle A—General Provisions

## SEC. 101. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) in subparagraph (E), by striking “and” after the semicolon;

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

“(F) include a salvage response plan—

“(i) to identify salvage equipment capable of restoring operational trade capacity; and

“(ii) to ensure that the waterways are cleared and the flow of commerce through United States ports is reestablished as efficiently and quickly as possible after a maritime transportation security incident.”.

## SEC. 102. REQUIREMENTS RELATING TO MARITIME FACILITY SECURITY PLANS.

Section 70103(c) of title 46, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (C)(ii), by striking “facility” and inserting “facility, including access by individuals engaged in the surface transportation of intermodal containers in or out of a port facility”;

(B) in subparagraph (F), by striking “and” at the end;

(C) in subparagraph (G), by striking the period at the end and inserting “; and”;

(D) by adding at the end the following:

“(H) in the case of a security plan for a facility, be resubmitted for approval of each change in the ownership or operator of the facility that may substantially affect the security of the facility.”; and

(2) by adding at the end the following:

“(8)(A) The Secretary shall require that the qualified individual having full authority to implement security actions for a facility described in paragraph (2) shall be a citizen of the United States.

“(B) The Secretary may waive the requirement of subparagraph (A) with respect to an individual if the Secretary determines that it is appropriate to do so based on a complete background check of the individual and a review of all terrorist watch lists to ensure that the individual is not identified on any such terrorist watch list.”.

## SEC. 103. UNANNOUNCED INSPECTIONS OF MARITIME FACILITIES.

Section 70103(c)(4)(D) of title 46, United States Code, is amended to read as follows:

“(D) subject to the availability of appropriations, verify the effectiveness of each such facility security plan periodically, but not less than twice annually, at least 1 of which shall be an inspection of the facility that is conducted without notice to the facility.”.

## SEC. 104. TRANSPORTATION SECURITY CARD.

(a) IN GENERAL.—Section 70105 of title 46, United States Code is amended by adding at the end the following:

“(g) APPLICATIONS FOR MERCHANT MARINER'S DOCUMENTS.—The Assistant Secretary of Homeland Security for the Transportation Security Administration and the Commandant of the Coast Guard shall concurrently process an application from an individual for merchant mariner's documents under chapter 73 of title 46, United States Code, and an application from that individual for a transportation security card under this section.

“(h) FEES.—The Secretary shall ensure that the fees charged each individual obtaining a transportation security card under this section who has passed a background check under section 5103a of title 49, United States

Code, and who has a current and valid hazardous materials endorsement in accordance with section 1572 of title 49, Code of Federal Regulations, and each individual with a current and valid Merchant Mariner Document—

“(1) are for costs associated with the issuance, production, and management of the transportation security card, as determined by the Secretary; and

“(2) do not include costs associated with performing a background check for that individual, unless the scope of said background checks diverge.

“(i) IMPLEMENTATION SCHEDULE.—In implementing the transportation security card program under this section, the Secretary shall—

“(1) conduct a strategic risk analysis and establish a priority for each United States port based on risk; and

“(2) implement the program, based upon risk and other factors as determined by the Secretary, at all facilities regulated under this chapter at—

“(A) the 10 United States ports that are deemed top priority by the Secretary not later than July 1, 2007;

“(B) the 40 United States ports that are next in order of priority to the ports described in subparagraph (A) not later than January 1, 2008; and

“(C) all other United States ports not later than January 1, 2009.

“(j) TRANSPORTATION SECURITY CARD PROCESSING DEADLINE.—Not later than January 1, 2009, the Secretary shall process and issue or deny each application for a transportation security card under this section for individuals with current and valid merchant mariner's documents on the date of enactment of the Port Security Improvement Act of 2006.

“(k) VESSEL AND FACILITY CARD READER ASSESSMENTS.—

“(1) PILOT PROGRAMS.—

“(A) VESSEL PILOT PROGRAM.—The Secretary shall conduct a pilot program in 3 distinct geographic locations to assess the feasibility of implementing card readers at secure areas of a vessel in accordance with the Notice of Proposed Rulemaking released on May 22, 2006, (TSA–2006–24191; USCG–2006–24196).

“(B) FACILITIES PILOT PROGRAM.—In addition to the pilot program described in subparagraph (A), the Secretary shall conduct a pilot program in 3 distinct geographic locations to assess the feasibility of implementing card readers at secure areas of facilities in a variety of environmental settings.

“(C) COORDINATION WITH TRANSPORTATION SECURITY CARDS.—The pilot programs described in subparagraphs (A) and (B) shall be conducted concurrently with the issuance of the transportation security cards as described in subsection (b), of this section to ensure card and card reader interoperability.

“(2) DURATION.—The pilot program described in paragraph (1) shall commence not later than 180 days after the date of the enactment of the Port Security Improvement Act of 2006 and shall terminate 1 year after commencement.

“(3) REPORT.—Not later than 90 days after the termination of the pilot program described under subparagraph (1), the Secretary shall submit a comprehensive report to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2))) that includes—

“(A) the actions that may be necessary to ensure that all vessels and facilities to which this section applies are able to comply with the regulations promulgated under subsection (a);

“(B) recommendations concerning fees and a statement of policy considerations for alternative security plans; and

“(C) an analysis of the viability of equipment under the extreme weather conditions of the marine environment.

“(1) PROGRESS REPORTS.—Not later than 6 months after the date of the enactment of the Port Security Improvement Act 2006 and every 6 months thereafter until the requirements under this section are fully implemented, the Secretary shall submit a report on progress being made in implementing such requirements to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2))).”

(b) CLARIFICATION OF ELIGIBILITY FOR TRANSPORTATION SECURITY CARDS.—Section 70105(b)(2) of title 46, United States Code, is amended—

(1) by striking “and” after the semicolon in subparagraph (E);

(2) by striking “Secretary.” in subparagraph (F) and inserting “Secretary; and”; and

(3) by adding at the end the following:

“(G) other individuals as determined appropriate by the Secretary including individuals employed at a port not otherwise covered by this subsection.”

(c) DEADLINE FOR SECTION 70105 REGULATIONS.—The Secretary shall promulgate final regulations implementing section 70105 of title 46, United States Code, no later than January 1, 2007.

#### SEC. 105. LONG-RANGE VESSEL TRACKING.

(a) REGULATIONS.—Section 70115 of title 46, United States Code, is amended in the first sentence by striking “The Secretary” and inserting “Not later than April 1, 2007, the Secretary”.

(b) VOLUNTARY PROGRAM.—The Secretary may issue regulations to establish a voluntary long-range automated vessel tracking system for vessels described in section 70115 of title 46, United States Code, during the period before regulations are issued under such section.

#### SEC. 106. ESTABLISHMENT OF INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by inserting after section 70107 the following:

##### “§70107A. Interagency operational centers for port security

“(a) IN GENERAL.—The Secretary shall establish interagency operational centers for port security at all high-priority ports not later than 3 years after the date of the enactment of the Port Security Improvement Act of 2006.

“(b) CHARACTERISTICS.—The interagency operational centers established under this section shall—

“(1) utilize, as appropriate, the compositional and operational characteristics of centers, including—

“(A) the pilot project interagency operational centers for port security in Miami, Florida; Norfolk/Hampton Roads, Virginia; Charleston, South Carolina; San Diego, California; and

“(B) the virtual operation center of the Port of New York and New Jersey;

“(2) be organized to fit the security needs, requirements, and resources of the individual port area at which each is operating;

“(3) provide, as the Secretary determines appropriate, for participation by representatives of the United States Customs and Border Protection, the Transportation Security Administration, the Department of Justice, the Department of Defense, and other Federal agencies, and State and local law enforcement or port security personnel, mem-

bers of the Area Maritime Security Committee, and other public and private sector stakeholders; and

“(4) be incorporated in the implementation and administration of—

“(A) maritime transportation security plans developed under section 70103;

“(B) maritime intelligence activities under section 70113 and information sharing activities consistent with section 1016 of the National Security Intelligence Reform Act of 2004 (6 U.S.C. 485) and the Homeland Security Information Sharing Act (6 U.S.C. 481 et seq.);

“(C) short and long range vessel tracking under sections 70114 and 70115;

“(D) protocols under section 201(b)(10) of the Port Security Improvement Act of 2006;

“(E) the transportation security incident response plans required by section 70104; and

“(F) other activities, as determined by the Secretary.

“(c) SECURITY CLEARANCES.—The Secretary shall sponsor and expedite individuals participating in interagency operational centers in gaining or maintaining their security clearances. Through the Captain of the Port, the Secretary may identify key individuals who should participate. The port or other entities may appeal to the Captain of the Port for sponsorship.”

(b) 2005 ACT REPORT REQUIREMENT.—Nothing in this section or the amendments made by this section relieves the Commandant of the Coast Guard from complying with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1082). The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(c) BUDGET AND COST-SHARING ANALYSIS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a proposed budget analysis for implementing section 70107A of title 46, United States Code, as added by subsection (a), including cost-sharing arrangements with other Federal departments and agencies involved in the interagency operation of the centers to be established under such section.

(d) CLERICAL AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by inserting after the item relating to section 70107 the following:

“70107A. Interagency operational centers for port security.”

#### Subtitle B—Port Security Grants; Training and Exercise Programs

#### SEC. 111. PORT SECURITY GRANTS.

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking “for making a fair and equitable allocation of funds” and inserting “for the allocation of funds based on risk”.

(b) MULTIPLE-YEAR PROJECTS, ETC.—Section 70107 of title 46, United States Code, is amended by redesignating subsections (e), (f), (g), (h), and (i) as subsections (i), (j), (k), (l), and (m), respectively, and by inserting after subsection (d) the following:

“(e) MULTIPLE-YEAR PROJECTS.—

“(1) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to such authorities, operators, and agencies.

“(2) LIMITATION.—Not more than 20 percent of the grant funds awarded under this subsection in any fiscal year may be awarded for projects that span multiple years.

“(f) CONSISTENCY WITH PLANS.—The Secretary shall ensure that each grant awarded under subsection (e)—

“(1) is used to supplement and support, in a consistent and coordinated manner, the applicable Area Maritime Transportation Security Plan; and

“(2) is coordinated with any applicable State or Urban Area Homeland Security Plan.

“(g) APPLICATIONS.—Any entity subject to an Area Maritime Transportation Security Plan may submit an application for a grant under this subsection, at such time, in such form, and containing such information and assurances as the Secretary, working through the Directorate for Preparedness, may require.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Subsection (1) of section 70107 of title 46, United States Code, as redesignated by subsection (b) is amended to read as follows:

“(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$400,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.”.

#### SEC. 112. PORT SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Preparedness and in coordination with the Commandant of the Coast Guard, may establish a Port Security Training Program (referred to in this section as the “Program”) for the purpose of enhancing the capabilities of each of the Nation’s commercial seaports to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

(b) REQUIREMENTS.—The Program shall provide validated training that—

(1) reaches multiple disciplines, including Federal, State, and local government officials, commercial seaport personnel and management, and governmental and non-governmental emergency response providers;

(2) provides training at the awareness, performance, and management and planning levels;

(3) utilizes multiple training mediums and methods;

(4) addresses port security topics, including—

(A) seaport security plans and procedures, including how security plans and procedures are adjusted when threat levels increase;

(B) seaport security force operations and management;

(C) physical security and access control at seaports;

(D) methods of security for preventing and countering cargo theft;

(E) container security;

(F) recognition and detection of weapons, dangerous substances, and devices;

(G) operation and maintenance of security equipment and systems;

(H) security threats and patterns;

(I) security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers; and

(J) evacuation procedures;

(5) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

(6) is evaluated against clear and consistent performance measures;

(7) addresses security requirements under facility security plans; and

(8) educates, trains, and involves populations of at-risk neighborhoods around ports, including training on an annual basis for neighborhoods to learn what to be watchful for in order to be a “citizen corps”, if necessary.

#### SEC. 113. PORT SECURITY EXERCISE PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Preparedness and in coordination with the Commandant of the Coast Guard, may establish a Port Security Exercise Program (referred to in this section as the “Program”) for the purpose of testing and evaluating the capabilities of Federal, State, local, and foreign governments, commercial seaport personnel and management, governmental and non-governmental emergency response providers, the private sector, or any other organization or entity, as the Secretary determines to be appropriate, to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism, natural disasters, and other emergencies at commercial seaports.

(b) REQUIREMENTS.—The Secretary shall ensure that the Program—

(1) conducts, on a periodic basis, port security exercises at commercial seaports that are—

(A) scaled and tailored to the needs of each port;

(B) live, in the case of the most at-risk ports;

(C) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(D) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

(E) evaluated against clear and consistent performance measures;

(F) assessed to learn best practices, which shall be shared with appropriate Federal, State, and local officials, seaport personnel and management; governmental and non-governmental emergency response providers, and the private sector; and

(G) followed by remedial action in response to lessons learned; and

(2) assists State and local governments and commercial seaports in designing, implementing, and evaluating exercises that—

(A) conform to the requirements of paragraph (2); and

(B) are consistent with any applicable Area Maritime Transportation Security Plan and State or Urban Area Homeland Security Plan.

(c) IMPROVEMENT PLAN.—The Secretary shall establish a port security improvement plan process to—

(1) identify and analyze each port security exercise for lessons learned and best practices;

(2) disseminate lessons learned and best practices to participants in the Program;

(3) monitor the implementation of lessons learned and best practices by participants in the Program; and

(4) conduct remedial action tracking and long-term trend analysis.

#### Subtitle C—Port Operations

#### SEC. 121. DOMESTIC RADIATION DETECTION AND IMAGING.

(a) EXAMINING CONTAINERS.—Not later than December 31, 2007, all containers entering the United States through the busiest 22 seaports of entry shall be examined for radiation.

(b) STRATEGY.—The Secretary shall develop a strategy for the deployment of radiation detection capabilities that includes—

(1) a risk-based prioritization of ports of entry at which radiation detection equipment will be deployed;

(2) a proposed timeline of when radiation detection equipment will be deployed at each port of entry identified under paragraph (1);

(3) the type of equipment to be used at each port of entry identified under paragraph

(1), including the joint deployment and utilization of radiation detection equipment and nonintrusive imaging equipment;

(4) standard operating procedures for examining containers with such equipment, including sensor alarming, networking, and communications and response protocols;

(5) operator training plans;

(6) an evaluation of the environmental health and safety impacts of nonintrusive imaging technology;

(7) the policy of the Department for using nonintrusive imaging equipment in tandem with radiation detection equipment; and

(8) a classified annex that—

(A) details plans for covert testing; and

(B) outlines the risk-based prioritization of ports of entry identified under paragraph (1).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit the strategy developed under subsection (b) to the appropriate congressional committees.

(d) UPDATE.—Not later than 180 days after the date of the enactment of this Act, the Secretary may update the strategy submitted under subsection (c) to provide a more complete evaluation under subsection (b)(6).

(e) OTHER WEAPONS OF MASS DESTRUCTION THREATS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a strategy for the development of equipment to detect chemical, biological, and other weapons of mass destruction at all ports of entry into the United States to the appropriate congressional committees.

(f) STANDARDS.—The Secretary, in conjunction with the National Institute of Standards and Technology, shall publish technical capability standards and recommended standard operating procedures for the use of nonintrusive imaging and radiation detection equipment in the United States. Such standards and procedures—

(1) should take into account relevant standards and procedures utilized by other Federal departments or agencies as well as those developed by international bodies; and

(2) shall not be designed so as to endorse specific companies or create sovereignty conflicts with participating countries.

(g) IMPLEMENTATION.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall fully implement the strategy developed under subsection (b).

#### SEC. 122. PORT SECURITY USER FEE STUDY.

The Secretary shall conduct a study of the need for, and feasibility of, establishing a system of ocean-borne and port-related transportation user fees that may be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for legitimate improvements to, and maintenance of, port security. Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that contains—

(1) the results of the study;

(2) an assessment of the annual amount of customs fees and duties collected through ocean-borne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security;

(3)(A) an assessment of the fees, charges, and standards imposed on United States ports, port terminal operators, shippers, and persons who use United States ports, compared with the fees and charges imposed on ports and port terminal operators in Canada and Mexico and persons who use those foreign ports; and

(B) an assessment of the impact on the competitiveness of United States ports, port terminal operators, and shippers; and

(4) the Secretary's recommendations based upon the study, and an assessment of the consistency of such recommendations with the international obligations and commitments of the United States.

**SEC. 123. INSPECTION OF CAR FERRIES ENTERING FROM ABROAD.**

Not later than 120 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, and in coordination with the Secretary of State, and in cooperation with appropriate foreign government officials, shall seek to develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States seaport.

**SEC. 124. RANDOM SEARCHES OF CONTAINERS.**

Not later than 1 year after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling, to conduct random searches of containers in addition to any targeted or preshipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Secretary. Nothing in this section shall be construed to mean that implementation of the random sampling plan precludes additional searches of containers not inspected pursuant to the plan.

**SEC. 125. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.**

Section 70101(6) of title 46, United States Code, is amended by adding at the end the following: "In this paragraph, the term 'economic disruption' does not include a work stoppage or other nonviolent employee-related action not related to terrorism and resulting from an employee-employer dispute."

**TITLE II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN**

**Subtitle A—General Provisions**

**SEC. 201. STRATEGIC PLAN TO ENHANCE THE SECURITY OF THE INTERNATIONAL SUPPLY CHAIN.**

(a) **STRATEGIC PLAN.**—The Secretary, in consultation with appropriate Federal, State, local, and tribal government agencies and private-sector stakeholders responsible for security matters that affect or relate to the movement of containers through the international supply chain, shall develop, implement, and update, as appropriate, a strategic plan to enhance the security of the international supply chain.

(b) **REQUIREMENTS.**—The strategic plan required under subsection (a) shall—

(1) describe the roles, responsibilities, and authorities of Federal, State, local, and tribal government agencies and private-sector stakeholders that relate to the security of the movement of containers through the international supply chain;

(2) identify and address gaps and unnecessary overlaps in the roles, responsibilities, or authorities described in paragraph (1);

(3) identify and make recommendations regarding legislative, regulatory, and organizational changes necessary to improve coordination among the entities or to enhance the security of the international supply chain;

(4) provide measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of commercial operations from point of origin to point of destination;

(5) build on available resources and consider costs and benefits;

(6) provide incentives for additional voluntary measures to enhance cargo security, as determined by the Commissioner;

(7) consider the impact of supply chain security requirements on small and medium size companies;

(8) include a process for sharing intelligence and information with private-sector stakeholders to assist in their security efforts;

(9) identify a framework for prudent and measured response in the event of a transportation security incident involving the international supply chain;

(10) provide protocols for the expeditious resumption of the flow of trade in accordance with section 202, including—

(A) the identification of the appropriate initial incident commander, if the Commandant of the Coast Guard is not the appropriate initial incident commander, and lead departments, agencies, or offices to execute such protocols;

(B) a plan to redeploy resources and personnel, as necessary, to reestablish the flow of trade in the event of a transportation disruption; and

(C) a plan to provide training for the periodic instruction of personnel of the United States Customs and Border Protection in trade resumption functions and responsibilities following a transportation disruption;

(11) consider the linkages between supply chain security and security programs within other systems of movement, including travel security and terrorism finance programs; and

(12) expand upon and relate to existing strategies and plans, including the National Response Plan, National Maritime Transportation Security Plan, and the 8 supporting plans of the Strategy, as required by Homeland Security Presidential Directive 13.

(c) **CONSULTATION.**—In developing protocols under subsection (b)(10), the Secretary shall consult with Federal, State, local, and private sector stakeholders, including the National Maritime Security Advisory Committee and the Commercial Operations Advisory Committee.

(d) **COMMUNICATION.**—To the extent practicable, the strategic plan developed under subsection (a) shall provide for coordination with, and lines of communication among, appropriate Federal, State, local, and private-sector stakeholders on law enforcement actions, intermodal rerouting plans, and other strategic infrastructure issues.

(e) **UTILIZATION OF ADVISORY COMMITTEES.**—As part of the consultations described in subsection (a), the Secretary shall, to the extent practicable, utilize the Homeland Security Advisory Committee, the National Maritime Security Advisory Committee, and the Commercial Operations Advisory Committee to review, as necessary, the draft strategic plan and any subsequent updates to the strategic plan.

(f) **INTERNATIONAL STANDARDS AND PRACTICES.**—In furtherance of the strategic plan required under subsection (a), the Secretary is encouraged to consider proposed or established standards and practices of foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, and the International Organization for Standardization, as appropriate, to establish standards and best practices for the security of containers moving through the international supply chain.

(g) **REPORT.**—

(1) **INITIAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that contains the strategic plan required by subsection (a).

(2) **FINAL REPORT.**—Not later than 3 years after the date on which the strategic plan is submitted under paragraph (1), the Secretary

shall submit a report to the appropriate congressional committees that contains an update of the strategic plan.

**SEC. 202. POST INCIDENT RESUMPTION OF TRADE.**

(a) **IN GENERAL.**—Except as otherwise determined by the Secretary, in the event of a maritime transportation disruption or a maritime transportation security incident, the initial incident commander and the lead department, agency, or office for carrying out the strategic plan required under section 201 shall be determined by the protocols required under section 201(b)(10).

(b) **VESSELS.**—The Commandant of the Coast Guard shall, to the extent practicable and consistent with the protocols and plans required under paragraphs (10) and (12) of section 201(b), ensure the safe and secure transit of vessels to ports in the United States after a maritime transportation security incident, with priority given to vessels carrying cargo determined by the President to be critical for response and recovery from such a disruption or incident, and to vessels that—

(1) have either a vessel security plan approved under section 70103(c) of title 46, United States Code, or a valid international ship security certificate, as provided under part 104 of title 33, Code of Federal Regulations;

(2) are manned by individuals who are described in section 70105(b)(2)(B) of title 46, United States Code, and who—

(A) have undergone a background records check under section 70105(d) of title 46, United States Code; or

(B) hold a transportation security card issued under section 70105 of title 46, United States Code; and

(3) are operated by validated participants in the Customs-Trade Partnership Against Terrorism program.

(c) **CARGO.**—Consistent with the protocols and plans required under paragraphs (10) and (12) of section 201(b), the Commissioner shall give preference to cargo—

(1) entering a port of entry directly from a foreign seaport designated under Container Security Initiative;

(2) determined by the President to be critical for response and recovery;

(3) that has been handled by a validated C-TPAT participant; or

(4) that has undergone (A) a nuclear or radiological detection scan, (B) an x-ray, density or other imaging scan, and (C) an optical recognition scan, at the last port of departure prior to arrival in the United States, which data has been evaluated and analyzed by United States Customs and Border Protection personnel.

(d) **COORDINATION.**—The Secretary shall ensure that there is appropriate coordination among the Commandant of the Coast Guard, the Commissioner, and other Federal officials following a maritime disruption or maritime transportation security incident in order to provide for the resumption of trade.

(e) **COMMUNICATION.**—Consistent with section 201 of this Act, the Commandant of the Coast Guard, Commissioner, and other appropriate Federal officials, shall promptly communicate any revised procedures or instructions intended for the private sector following a maritime disruption or maritime transportation security incident.

**SEC. 203. AUTOMATED TARGETING SYSTEM.**

(a) **IN GENERAL.**—The Secretary, acting through the Commissioner, shall—

(1) identify and seek the submission of data related to the movement of a shipment of cargo through the international supply chain; and

(2) analyze the data described in paragraph (1) to identify high-risk cargo for inspection.

(b) CONSIDERATION.—The Secretary, acting through the Commissioner, shall—

(1) consider the cost, benefit, and feasibility of—

(A) requiring additional nonmanifest documentation;

(B) reducing the time period allowed by law for revisions to a container cargo manifest;

(C) reducing the time period allowed by law for submission of certain elements of entry data, for vessel or cargo; and

(D) such other actions the Secretary considers beneficial for improving the information relied upon for the Automated Targeting System and any successor targeting system in furthering the security and integrity of the international supply chain; and

(2) consult with stakeholders, including the Commercial Operations Advisory Committee, and identify to them the need for such information, and the appropriate timing of its submission.

(c) DETERMINATION.—Upon the completion of the process under subsection (b), the Secretary, acting through the Commissioner, may require importers to submit certain elements of non-manifest or other data about a shipment bound for the United States not later than 24 hours before loading a container on a vessel at a foreign port bound for the United States.

(d) SYSTEM IMPROVEMENTS.—The Secretary, acting through the Commissioner, shall—

(1) conduct, through an independent panel, a review of the effectiveness and capabilities of the Automated Targeting System;

(2) consider future iterations of the Automated Targeting System;

(3) ensure that the Automated Targeting System has the capability to electronically compare manifest and other available data for cargo entered into or bound for the United States to detect any significant anomalies between such data and facilitate the resolution of such anomalies; and

(4) ensure that the Automated Targeting System has the capability to electronically identify, compile, and compare select data elements for cargo entered into or bound for the United States following a maritime transportation security incident, in order to efficiently identify cargo for increased inspection or expeditious release.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the United States Customs and Border Protection in the Department of Homeland Security to carry out the Automated Targeting System for identifying high-risk ocean-borne container cargo for inspection—

(A) \$33,200,000 for fiscal year 2008;

(B) \$35,700,000 for fiscal year 2009; and

(C) \$37,485,000 for fiscal year 2010.

(2) SUPPLEMENT FOR OTHER FUNDS.—The amounts authorized by this subsection shall be in addition to any other amount authorized to be appropriated to carry out the Automated Targeting System.

#### SEC. 204. CONTAINER SECURITY STANDARDS AND PROCEDURES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding to establish minimum standards and procedures for securing containers in transit to an importer in the United States.

(2) INTERIM RULE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue an interim final rule pursuant to the proceeding described in paragraph (1).

(3) MISSED DEADLINE.—If the Secretary is unable to meet the deadline established pursuant to paragraph (2), the Secretary shall

transmit a letter to the appropriate congressional committees explaining why the Secretary is unable to meet that deadline and describing what must be done before such minimum standards and procedures can be established.

(b) REVIEW AND ENHANCEMENT.—The Secretary shall regularly review and enhance the standards and procedures established pursuant to subsection (a).

(c) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, the Secretary of Energy, and other government officials, as appropriate, and with the Commercial Operations Advisory Committee, the Homeland Security Advisory Committee, and the National Maritime Security Advisory Committee, is encouraged to promote and establish international standards for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

#### SEC. 205. CONTAINER SECURITY INITIATIVE.

(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner, shall establish and implement a program (referred to in this section as the “Container Security Initiative”) to identify and examine or search maritime containers that pose a security risk before loading such containers in a foreign port for shipment to the United States, either directly or through a foreign port.

(b) ASSESSMENT.—The Secretary, acting through the Commissioner, may designate foreign seaports to participate in the Container Security Initiative after the Secretary has assessed the costs, benefits, and other factors associated with such designation, including—

(1) the level of risk for the potential compromise of containers by terrorists, or other threats as determined by the Secretary;

(2) the volume and value of cargo being imported to the United States directly from, or being transhipped through, the foreign seaport;

(3) the results of the Coast Guard assessments conducted pursuant to section 70108 of title 46, United States Code;

(4) the commitment of the government of the country in which the foreign seaport is located to cooperate with the Department to carry out the Container Security Initiative; and

(5) the potential for validation of security practices at the foreign seaport by the Department.

(c) NOTIFICATION.—The Secretary shall notify the appropriate congressional committees of the designation of a foreign port under the Container Security Initiative or the revocation of such a designation before notifying the public of such designation or revocation.

(d) NEGOTIATIONS.—The Secretary, in cooperation with the Secretary of State and in consultation with the United States Trade Representative, may enter into negotiations with the government of each foreign nation in which a seaport is designated under the Container Security Initiative to ensure full compliance with the requirements under the Container Security Initiative.

(e) OVERSEAS INSPECTIONS.—The Secretary shall enter into agreements with the governments of foreign countries participating in the Container Security Initiative that establish criteria and procedures for an integrated scanning system and shall monitor operations at foreign seaports designated under the Container Security Initiative to ensure the use of such criteria and procedures. Such criteria and procedures—

(1) shall be consistent with relevant standards and procedures utilized by other Federal

departments or agencies, or developed by international bodies if the United States consents to such standards and procedures;

(2) shall not apply to activities conducted under the Megaports Initiative of the Department of Energy;

(3) shall not be designed to endorse the product or technology of any specific company or to conflict with the sovereignty of a country in which a foreign seaport designated under the Container Security Initiative is located;

(4) shall be applied to the equipment operated at each foreign seaport designated under the Container Security Initiative, except as provided under paragraph (2); and

(5) shall prohibit, beginning on October 1, 2008, the shipment of any container from a foreign seaport designated under Container Security Initiative to a port in the United States unless the container has passed through an integrated scanning system.

(f) SAVINGS PROVISION.—The authority of the Secretary under this section shall not affect any authority or duplicate any efforts or responsibilities of the Federal Government with respect to the deployment of radiation detection equipment outside of the United States under any program administered by the Department.

(g) COORDINATION.—The Secretary shall coordinate with the Secretary of Energy to—

(1) provide radiation detection equipment required to support the Container Security Initiative through the Department of Energy’s Second Line of Defense and Megaports programs; or

(2) work with the private sector to obtain radiation detection equipment that meets the Department’s technical specifications for such equipment.

(h) STAFFING.—The Secretary shall develop a human capital management plan to determine adequate staffing levels in the United States and in foreign seaports including, as appropriate, the remote location of personnel in countries in which foreign seaports are designated under the Container Security Initiative.

(i) ANNUAL DISCUSSIONS.—The Secretary, in coordination with the appropriate Federal officials, shall hold annual discussions with foreign governments of countries in which foreign seaports designated under the Container Security Initiative are located regarding best practices, technical assistance, training needs, and technological developments that will assist in ensuring the efficient and secure movement of international cargo.

(j) LESSER RISK PORT.—The Secretary, acting through the Commissioner, may treat cargo loaded in a foreign seaport designated under the Container Security Initiative as presenting a lesser risk than similar cargo loaded in a foreign seaport that is not designated under the Container Security Initiative, for the purpose of clearing such cargo into the United States.

(k) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2007, the Secretary, acting through the Commissioner, shall, in consultation with other appropriate government officials and the Commercial Operations Advisory Committee, submit a report to the appropriate congressional committee on the effectiveness of, and the need for any improvements to, the Container Security Initiative. The report shall include—

(A) a description of the technical assistance delivered to, as well as needed at, each designated seaport;

(B) a description of the human capital management plan at each designated seaport;

(C) a summary of the requests made by the United States to foreign governments to conduct physical or nonintrusive inspections of

cargo at designated seaports, and whether each such request was granted or denied by the foreign government;

(D) an assessment of the effectiveness of screening, scanning, and inspection protocols and technologies utilized at designated seaports and the effect on the flow of commerce at such seaports, as well as any recommendations for improving the effectiveness of screening, scanning, and inspection protocols and technologies utilized at designated seaports;

(E) a description and assessment of the outcome of any security incident involving a foreign seaport designated under the Container Security Initiative; and

(F) a summary and assessment of the aggregate number and extent of trade compliance lapses at each seaport designated under the Container Security Initiative.

(2) **UPDATED REPORT.**—Not later than September 30, 2010, the Secretary, acting through the Commissioner, shall, in consultation with other appropriate government officials and the Commercial Operations Advisory Committee, submit an updated report to the appropriate congressional committees on the effectiveness of, and the need for any improvements to, the Container Security Initiative. The updated report shall address each of the elements required to be included in the report provided for under paragraph (1).

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the United States Customs and Border Protection in the Department of Homeland Security to carry out the provisions of this section—

- (1) \$144,000,000 for fiscal year 2008;
- (2) \$146,000,000 for fiscal year 2009; and
- (3) \$153,300,000 for fiscal year 2010.

#### **Subtitle B—Customs-Trade Partnership Against Terrorism**

##### **SEC. 211. ESTABLISHMENT.**

(a) **ESTABLISHMENT.**—The Secretary, acting through the Commissioner is authorized to establish a voluntary government-private sector program (to be known as the “Customs-Trade Partnership Against Terrorism” or “C-TPAT”) to strengthen and improve the overall security of the international supply chain and United States border security, and to facilitate the movement of secure cargo through the international supply chain, by providing benefits to participants meeting or exceeding the program requirements. Participants in C-TPAT shall include tier 1 participants, tier 2 participants, and tier 3 participants.

(b) **MINIMUM SECURITY REQUIREMENTS.**—The Secretary, acting through the Commissioner, shall review the minimum security requirements of C-TPAT at least once every year and update such requirements as necessary.

##### **SEC. 212. ELIGIBLE ENTITIES.**

Importers, customs brokers, forwarders, air, sea, land carriers, contract logistics providers, and other entities in the international supply chain and intermodal transportation system are eligible to apply to voluntarily enter into partnerships with the Department under C-TPAT.

##### **SEC. 213. MINIMUM REQUIREMENTS.**

An applicant seeking to participate in C-TPAT shall—

- (1) demonstrate a history of moving cargo in the international supply chain;
- (2) conduct an assessment of its supply chain based upon security criteria established by the Secretary, acting through the Commissioner, including—
  - (A) business partner requirements;
  - (B) container security;
  - (C) physical security and access controls;
  - (D) personnel security;

(E) procedural security;

(F) security training and threat awareness; and

(G) information technology security;

(3) implement and maintain security measures and supply chain security practices meeting security criteria established by the Commissioner; and

(4) meet all other requirements established by the Commissioner in consultation with the Commercial Operations Advisory Committee.

##### **SEC. 214. TIER 1 PARTICIPANTS IN C-TPAT.**

(a) **BENEFITS.**—The Secretary, acting through the Commissioner, shall offer limited benefits to a tier 1 participant who has been certified in accordance with the guidelines referred to in subsection (b). Such benefits may include a reduction in the score assigned pursuant to the Automated Targeting System of not greater than 20 percent of the high risk threshold established by the Secretary.

(b) **GUIDELINES.**—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall update the guidelines for certifying a C-TPAT participant's security measures and supply chain security practices under this section. Such guidelines shall include a background investigation and extensive documentation review.

(c) **TIME FRAME.**—To the extent practicable, the Secretary, acting through the Commissioner, shall complete the tier 1 certification process within 90 days of receipt of an application for participation in C-TPAT.

##### **SEC. 215. TIER 2 PARTICIPANTS IN C-TPAT.**

(a) **VALIDATION.**—The Secretary, acting through the Commissioner, shall validate the security measures and supply chain security practices of a tier 1 participant in accordance with the guidelines referred to in subsection (c). Such validation shall include on-site assessments at appropriate foreign locations utilized by the tier 1 participant in its supply chain and shall, to the extent practicable, be completed not later than 1 year after certification as a tier 1 participant.

(b) **BENEFITS.**—The Secretary, acting through the Commissioner, shall extend benefits to each C-TPAT participant that has been validated as a tier 2 participant under this section, which may include—

- (1) reduced scores in the Automated Targeting System;
- (2) reduced examinations of cargo; and
- (3) priority searches of cargo.

(c) **GUIDELINES.**—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall develop a schedule and update the guidelines for validating a participant's security measures and supply chain security practices under this section.

##### **SEC. 216. TIER 3 PARTICIPANTS IN C-TPAT.**

(a) **IN GENERAL.**—The Secretary, acting through the Commissioner, shall establish a third tier of C-TPAT participation that offers additional benefits to participants who demonstrate a sustained commitment to maintaining security measures and supply chain security practices that exceed the guidelines established for validation as a tier 2 participant in C-TPAT under section 215 of this Act.

(b) **CRITERIA.**—The Secretary, acting through the Commissioner, shall designate criteria for validating a C-TPAT participant as a tier 3 participant under this section. Such criteria may include—

- (1) compliance with any additional guidelines established by the Secretary that exceed the guidelines established pursuant to section 215 of this Act for validating a C-TPAT participant as a tier 2 participant,

particularly with respect to controls over access to cargo throughout the supply chain;

(2) voluntary submission of additional information regarding cargo prior to loading, as determined by the Secretary;

(3) utilization of container security devices and technologies that meet standards and criteria established by the Secretary; and

(4) compliance with any other cargo requirements established by the Secretary.

(c) **BENEFITS.**—The Secretary, acting through the Commissioner, in consultation with the Commercial Operations Advisory Committee and the National Maritime Security Advisory Committee, shall extend benefits to each C-TPAT participant that has been validated as a tier 3 participant under this section, which may include—

(1) the expedited release of a tier 3 participant's cargo in destination ports within the United States during all threat levels designated by the Secretary;

(2) in addition to the benefits available to tier 2 participants—

(A) further reduction in examinations of cargo;

(B) priority for examinations of cargo; and

(C) further reduction in the risk score assigned pursuant to the Automated Targeting System;

(3) notification of specific alerts and post-incident procedures to the extent such notification does not compromise the security interests of the United States; and

(4) inclusion in joint incident management exercises, as appropriate.

(d) **DEADLINE.**—Not later than 2 years after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall designate appropriate criteria pursuant to subsection (b) and provide benefits to validated tier 3 participants pursuant to subsection (c).

##### **SEC. 217. CONSEQUENCES FOR LACK OF COMPLIANCE.**

(a) **IN GENERAL.**—If at any time a C-TPAT participant's security measures and supply chain security practices fail to meet any of the requirements under this subtitle, the Commissioner may deny the participant benefits otherwise available under this subtitle, in whole or in part.

(b) **FALSE OR MISLEADING INFORMATION.**—If a C-TPAT participant knowingly provides false or misleading information to the Commissioner during the validation process provided for under this subtitle, the Commissioner shall suspend or expel the participant from C-TPAT for an appropriate period of time. The Commissioner may publish in the Federal Register a list of participants who have been suspended or expelled from C-TPAT pursuant to this subsection, and may make such list available to C-TPAT participants.

(c) **RIGHT OF APPEAL.**—

(1) **IN GENERAL.**—A C-TPAT participant may appeal a decision of the Commissioner pursuant to subsection (a). Such appeal shall be filed with the Secretary not later than 90 days after the date of the decision, and the Secretary shall issue a determination not later than 180 days after the appeal is filed.

(2) **APPEALS OF OTHER DECISIONS.**—A C-TPAT participant may appeal a decision of the Commissioner pursuant to subsection (b). Such appeal shall be filed with the Secretary not later than 30 days after the date of the decision, and the Secretary shall issue a determination not later than 180 days after the appeal is filed.

##### **SEC. 218. REVALIDATION.**

The Secretary, acting through the Commissioner, shall develop and implement—

(1) a revalidation process for tier 2 and tier 3 participants;

(2) a framework based upon objective criteria for identifying participants for periodic

revalidation not less frequently than once during each 5-year period following the initial validation; and

(3) an annual plan for revalidation that includes—

(A) performance measures;

(B) an assessment of the personnel needed to perform the revalidations; and

(C) the number of participants that will be revalidated during the following year.

**SEC. 219. NONCONTAINERIZED CARGO.**

The Secretary, acting through the Commissioner, shall consider the potential for participation in C-TPAT by importers of noncontainerized cargoes that otherwise meet the requirements under this subtitle.

**SEC. 220. C-TPAT PROGRAM MANAGEMENT.**

(a) IN GENERAL.—The Secretary, acting through the Commissioner, shall establish sufficient internal quality controls and record management to support the management systems of C-TPAT. In managing the program, the Secretary shall ensure that the program includes:

(1) STRATEGIC PLAN.—A 5-year plan to identify outcome-based goals and performance measures of the program.

(2) ANNUAL PLAN.—An annual plan for each fiscal year designed to match available resources to the projected workload.

(3) STANDARDIZED WORK PROGRAM.—A standardized work program to be used by agency personnel to carry out the certifications, validations, and revalidations of participants. The Secretary shall keep records and monitor staff hours associated with the completion of each such review.

(b) DOCUMENTATION OF REVIEWS.—The Secretary, acting through the Commissioner, shall maintain a record management system to document determinations on the reviews of each C-TPAT participant, including certifications, validations, and revalidations.

(c) CONFIDENTIAL INFORMATION SAFEGUARDS.—In consultation with the Commercial Operations Advisory Committee, the Secretary, acting through the Commissioner, shall develop and implement procedures to ensure the protection of confidential data collected, stored, or shared with government agencies or as part of the application, certification, validation, and revalidation processes.

**SEC. 221. RESOURCE MANAGEMENT STAFFING PLAN.**

The Secretary, acting through the Commissioner, shall—

(1) develop a staffing plan to recruit and train staff (including a formalized training program) to meet the objectives identified in the strategic plan of the C-TPAT program; and

(2) provide cross-training in post-incident trade resumption for personnel who administer the C-TPAT program.

**SEC. 222. ADDITIONAL PERSONNEL.**

In each of the fiscal years 2007 through 2009, the Commissioner shall increase by not less than 50 the number of full-time personnel engaged in the validation and revalidation of C-TPAT participants (over the number of such personnel on the last day of the previous fiscal year), and shall provide appropriate training and support to such additional personnel.

**SEC. 223. AUTHORIZATION OF APPROPRIATIONS.**

(a) C-TPAT.—There are authorized to be appropriated to the United States Customs and Border Protection in the Department of Homeland Security to carry out the provisions of sections 211 through 221 to remain available until expended—

(1) \$65,000,000 for fiscal year 2008;

(2) \$72,000,000 for fiscal year 2009; and

(3) \$75,600,000 for fiscal year 2010.

(b) ADDITIONAL PERSONNEL.—In addition to any monies hereafter appropriated to the

United States Customs and Border Protection in the Department of Homeland Security, there are authorized to be appropriated for the purpose of meeting the staffing requirement provided for in section 222, to remain available until expended—

(1) \$8,500,000 for fiscal year 2007;

(2) \$17,600,000 for fiscal year 2008;

(3) \$27,300,000 for fiscal year 2009;

(4) \$28,300,000 for fiscal year 2010; and

(5) \$29,200,000 for fiscal year 2011.

**SEC. 224. REPORT TO CONGRESS.**

In connection with the President's annual budget submission for the Department of Homeland Security, the Secretary shall report to the appropriate congressional committees on the progress made by the Commissioner to certify, validate, and revalidate C-TPAT participants. Such report shall be due on the same date that the President's budget is submitted to the Congress.

**Subtitle C—Miscellaneous Provisions**

**SEC. 231. PILOT INTEGRATED SCANNING SYSTEM.**

(a) DESIGNATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall designate 3 foreign seaports through which containers pass or are transhipped to the United States for the establishment of pilot integrated scanning systems that couple nonintrusive imaging equipment and radiation detection equipment. The equipment may be provided by the Megaports Initiative of the Department of Energy. In making the designations under this paragraph, the Secretary shall consider 3 distinct ports with unique features and differing levels of trade volume.

(b) COLLABORATION AND COOPERATION.—The Secretary shall collaborate with the Secretary of Energy and cooperate with the private sector and the foreign government of each country in which a foreign seaport is designated pursuant to subsection (a) to implement the pilot systems.

(c) IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall achieve a full-scale implementation of the pilot integrated screening system, which shall—

(1) scan all containers destined for the United States that transit through the port; and

(2) electronically transmit the images and information to the container security initiative personnel in the host country and customs personnel in the United States for evaluation and analysis.

(d) REPORT.—Not later than 120 days after achieving full-scale implementation under subsection (c), the Secretary, in consultation with the Secretary of Energy and the Secretary of State, shall submit a report to the appropriate congressional committees, that includes—

(1) an evaluation of the lessons derived from the pilot system implemented under this subsection;

(2) an analysis of the efficacy of the Automated Targeting System or other relevant programs in utilizing the images captured to examine high-risk containers;

(3) an evaluation of software that is capable of automatically identifying potential anomalies in scanned containers;

(4) an analysis of the need and feasibility of expanding the integrated scanning system to other container security initiative ports, including—

(A) an analysis of the infrastructure requirements;

(B) a projection of the effect on current average processing speed of containerized cargo;

(C) an evaluation of the scalability of the system to meet both current and future forecasted trade flows;

(D) the ability of the system to automatically maintain and catalog appropriate data

for reference and analysis in the event of a transportation disruption;

(E) an analysis of requirements to install and maintain an integrated scanning system;

(F) the ability of administering personnel to efficiently manage and utilize the data produced by a non-intrusive scanning system;

(G) the ability to safeguard commercial data generated by, or submitted to, a non-intrusive scanning system; and

(H) an assessment of the reliability of currently available technology to implement an integrated scanning system.

(e) IMPLEMENTATION.—Not later than October 1, 2010, an integrated scanning system shall be implemented to scan all containers entering the United States prior to arrival in the United States.

Mr. SCHUMER. I thank the Senator from Alaska.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON, Madam President, I will yield a few minutes to Senator KERRY in a moment, but I ask unanimous consent to temporarily set aside the pending amendment to call up an amendment.

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

AMENDMENT NO. 4957

Mrs. CLINTON. I ask unanimous consent to call up Senate amendment 4957.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mrs. CLINTON] for herself and Mrs. DOLE, proposes an amendment numbered 4957.

Mrs. CLINTON. 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 as follows:

(Purpose: To facilitate nationwide availability of 2-1-1 telephone service for information on and referral to human services, including volunteer opportunities related to human services, and for other purposes)

At the end, insert the following:

**TITLE —2-1-1 SERVICE**

**SEC. 1. GRANTS TO FACILITATE NATIONWIDE AVAILABILITY OF 2-1-1 SERVICE FOR INFORMATION ON AND REFERRAL TO HUMAN SERVICES.**

(a) GRANTS REQUIRED.—The Secretary of Health and Human Services, acting through the Assistant Secretary for Children and Families, shall award a grant to each eligible State to carry out a program for the purpose of making 2-1-1 telephone service available to all residents of the State with phone service for information on and referral to human services. The grant, and the service provided through the grant, shall supplement existing (as of the date of the award) funding streams or services.

(b) PERIOD AND AMOUNT OF GRANTS.—The Secretary of Health and Human Services shall award the grants for periods determined by the Secretary. The Secretary shall award the grants in amounts that are not less than a minimum amount determined by the Secretary.

(c) REQUIREMENT ON SHARE OF ACTIVITIES.—

(1) REQUIREMENT.—A State may not be awarded a grant under this section unless the State ensures that at least 50 percent of the resources of the program funded by the grant will be derived from other sources.

(2) IN-KIND CONTRIBUTIONS.—The requirement specified in paragraph (1) may be satisfied by in-kind contributions of goods or services.

(d) LEAD ENTITY.—

(1) IN GENERAL.—A State seeking a grant under this section shall carry out this section through a lead entity (also known as a “2-1-1 Collaborative”) meeting the requirements of this subsection.

(2) 2-1-1 COLLABORATIVE.—An entity shall be treated as the 2-1-1 Collaborative for a State under this subsection if the entity—

(A) exists for such purpose under State law;

(B) exists for such purpose by order of the State public utility commission; or

(C) is a collaborative entity established by the State for such purpose from among representatives of—

(i) an informal existing (as of the date of establishment of the entity) 2-1-1 statewide collaborative, if any, in the State;

(ii) State agencies;

(iii) community-based organizations;

(iv) faith-based organizations;

(v) not-for-profit organizations;

(vi) comprehensive and specialized information and referral providers, including current (as of the date of establishment of the entity) 2-1-1 call centers;

(vii) foundations; and

(viii) businesses.

(3) REQUIREMENTS FOR PREEXISTING LEAD ENTITIES.—An entity described by subparagraph (A) or (B) of paragraph (2) may be treated as a lead entity under this subsection only if such entity collaborates, to the extent practicable, with the organizations and entities listed in subparagraph (C) of that paragraph.

(e) APPLICATION.—

(1) IN GENERAL.—The lead entity for each State seeking a grant under this section shall submit to the Secretary an application in such form as the Secretary shall require.

(2) INFORMATION.—An application for a State under this subsection shall contain information as follows:

(A) Information, on the program to be carried out by the lead entity for the State so that every resident of the State with phone service may call the 2-1-1 telephone service at no charge to the caller, describing how the lead entity plans to make available throughout the State 2-1-1 telephone service information and referral on human services, including information on the manner in which the lead entity will develop, sustain, and evaluate the program.

(B) Information on the sources of resources for the program for purposes of meeting the requirement specified in subsection (c).

(C) Information describing how the entity shall provide, to the extent practicable, a statewide database available to all residents of the State as well as all providers of human services programs, through the Internet, that will allow them to search for programs or services that are available according to the data gathered by the human services programs in the State.

(D) Any additional information that the Secretary may require for purposes of this section.

(f) SUBGRANTS.—

(1) AUTHORITY.—In carrying out a program to make 2-1-1 telephone service available to all residents of a State with phone service, the lead entity for the State may award subgrants to such persons or entities as the lead entity considers appropriate for purposes of the program, including subgrants to provide funds—

(A) for the provision of 2-1-1 telephone service;

(B) for the operation and maintenance of 2-1-1 call centers; and

(C) for the collection and display of information for the statewide database.

(2) CONSIDERATIONS.—In awarding a subgrant under this subsection, a lead entity shall consider—

(A) the ability of the person or entity seeking the subgrant to carry out activities or provide services consistent with the program;

(B) the extent to which the award of the subgrant will facilitate equitable geographic distribution of subgrants under this section to ensure that rural communities have access to 2-1-1 telephone service; and

(C) the extent to which the recipient of the subgrant will establish and maintain cooperative relationships with specialized information and referral centers, including Child Care Resource Referral Agencies, crisis centers, 9-1-1 call centers, and 3-1-1 call centers, if applicable.

(g) USE OF GRANT AND SUBGRANT AMOUNTS.—

(1) IN GENERAL.—Amounts awarded as grants or subgrants under this section shall be used solely to make available 2-1-1 telephone service to all residents of a State with phone service for information on and referral to human services, including telephone connections between families and individuals seeking such services and the providers of such services.

(2) PARTICULAR MATTERS.—In making 2-1-1 telephone service available, the recipient of a grant or subgrant shall, to the maximum extent practicable—

(A) abide by the highest quality existing (as of the date of the award of the grant or subgrant) Key Standards for 2-1-1 Centers; and

(B) collaborate with human services organizations, whether public or private, to provide an exhaustive database of services with which to provide information or referrals to individuals utilizing 2-1-1 telephone service.

(3) USE OF FUNDS.—Amounts of a subgrant under subsection (f) may be used by subgrant recipients for statewide and regional planning, start-up costs (including costs of software and hardware upgrades and telecommunications costs), training, accreditation, public awareness activities, evaluation of activities, Internet hosting and site development and maintenance for a statewide database, database integration projects that incorporate data from different 2-1-1 programs into a single statewide database, and the provision of 2-1-1 telephone service. The amounts may not be used for maintenance activities or any other ongoing activity that promotes State reliance on the amounts.

(h) REQUIREMENT ON ALLOCATION OF GRANT AMOUNTS.—Of the amounts awarded under this section, an aggregate of not more than 15 percent shall be allocated for evaluation, training, and technical assistance, and for management and administration of subgrants awarded under this section.

(i) REPORTS.—The lead entity for each State awarded a grant under this section for a fiscal year shall submit to the Secretary, not later than 60 days after the end of such fiscal year, a report on the program funded by the grant. Each report shall—

(1) describe the program funded by the grant;

(2) assess the effectiveness of the program in making available, to all residents of the State with phone service, 2-1-1 telephone service, for information on and referral to human services in accordance with the provisions of this section; and

(3) assess the effectiveness of collaboration with human services resource and referral entities and service providers.

(j) DEFINITIONS.—In this section:

(1) HUMAN SERVICES.—The term “human services” means services as follows:

(A) Services that assist individuals in becoming more self-sufficient, in preventing dependency, and in strengthening family relationships.

(B) Services that support personal and social development.

(C) Services that help ensure the health and well-being of individuals, families, and communities.

(2) INFORMATION AND REFERRAL CENTER.—The term “information and referral center” means a center that—

(A) maintains a database of providers of human services in a State or locality;

(B) assists individuals, families, and communities in identifying, understanding, and accessing the providers of human services and the human services offered by the providers; and

(C) tracks types of calls referred and received to document the demands for services.

(3) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

## SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title, \$75,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2012.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations specified in subsection (a) shall remain available until expended.

AMENDMENT NO. 4943

Mrs. CLINTON. Madam President, I ask unanimous consent to temporarily set aside the pending amendment to call up an amendment.

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

Mrs. CLINTON. I ask unanimous consent to call up Senate amendment 4943.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 4943.

Mrs. CLINTON. 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 as follows:

(Purpose: To fund additional research to improve the detection of explosive materials at airport security checkpoints)

At the end, insert the following:

### TITLE V—AIRPORT SECURITY

#### SEC. 501. AVIATION RESEARCH AND DEVELOPMENT FOR EXPLOSIVE DETECTION.

(a) ADVANCED EXPLOSIVES DETECTION SYSTEMS.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of the Transportation Security Administration, and in consultation with the Secretary of Transportation, shall, in carrying out research and development on the detection of explosive materials at airport security checkpoints, focus on the detection of explosive materials, including liquid explosives, in a manner that—

(1) improves the ability of airport security technologies to determine which items could—

(A) threaten safety;

(B) be used as an explosive; or

(C) assembled into an explosive device; and

(2) results in the development of an advanced screening technology that incorporates existing technologies into a single screening system.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(A) \$200,000,000 for fiscal year 2008; and

(B) \$250,000,000 for fiscal year 2009.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

AMENDMENT NO. 4958

Mrs. CLINTON. I ask unanimous consent that the pending amendment be temporarily set aside, and I call up amendment No. 4958.

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

The bill clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself and Mr. SCHUMER, proposes an amendment numbered 4958.

Mrs. CLINTON. 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 as follows:

(Purpose: To establish a grant program for individuals still suffering health effects as a result of the September 11, 2001, attacks in New York City)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ GRANTS FOR 9/11-RELATED HEALTH CARE.**

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”), acting through the Director of the Centers for Disease Control and Prevention, shall award grants to eligible entities to provide medical and mental health monitoring, tracking, and treatment to individuals whose health has been directly impacted as a result of the attacks on New York City on September 11, 2001.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), an entity shall—

(A) be an entity—

(i) that serves individuals described in subsection (a), including entities providing baseline and follow-up screening, clinical examinations, or long-term medical or mental health monitoring, analysis, or treatment to such individuals such as the Mount Sinai Center for Occupational and Environmental Medicine of New York City, the New York City Fire Department’s Bureau of Health Services and Counseling Services Unit, the New York City Police Foundation’s Project COPE, the Police Organization Providing Peer Assistance of New York City, and the New York City Department of Health and Mental Hygiene’s World Trade Center Health Registry; or

(ii) an entity not described in clause (i) that provides similar services to the individuals described in such clause; and

(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) ELIGIBLE INDIVIDUALS.—Individuals eligible to receive assistance from an entity under a grant under this section shall include firefighters, police officers, paramedics, workers, volunteers, residents, and any other individual who worked at Ground Zero or Fresh Kills, or who lived or worked in the vicinity of such areas, and whose health has deteriorated as a result of the attacks described in subsection (a).

(c) PRIORITY IN AWARDING ASSISTANCE.—An eligible entity that receives a grant under this section shall use amounts provided under such grant to provide assistance to individuals in the following order of priority:

(1) Individuals who are not covered under health insurance coverage.

(2) Individuals who need health care assistance beyond what their health insurance coverage provides.

(3) Individuals with insufficient health care insurance coverage.

(4) Individuals who are in need of health care coverage and who are not described in any of paragraphs (1) through (3).

(d) REPORT.—Not later than 30 days after the date of enactment of this Act, and monthly thereafter, the Director of the Centers for Disease Control and Prevention shall submit to the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives, a report on the use of funds under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, \$1,914,000,000 for fiscal years 2007 through 2011.

(2) STAFF AND ADMINISTRATION.—The Secretary may use not to exceed \$10,000,000 of the amount appropriated under paragraph (1) for staffing and administrative expenses related to the implementation of this section.

(3) USE OF OTHER FUNDS.—The Secretary may use any funds appropriated to the Department of Health and Human Services, or any other funds specifically designated, to carry out this section.

Mrs. CLINTON. I ask unanimous consent to add Senator SCHUMER as a co-sponsor to 4958.

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

Mrs. CLINTON. At this time, I ask that we return to the regular order. I am going to yield 2 minutes to Senator KERRY and then reclaim the remainder of the time set aside for me on the Democratic side with unanimous consent.

Mr. STEVENS. I object. Just a minute. We do not want to have a whole schedule here through one Senator having the floor.

What amendment is now pending before the Senate?

The PRESIDING OFFICER. The Schumer amendment. The amendment numbered 4930 is now pending.

Mr. STEVENS. Is the Senator from New York yielding time on Senator SCHUMER’s amendment?

Mrs. CLINTON. I ask unanimous consent to set aside Senator SCHUMER’s amendment and return to the regular order.

Mr. STEVENS. What is the request for time limitation on this amendment?

The PRESIDING OFFICER. The Schumer amendment is the regular order. There is no time agreement on this amendment.

Mr. STEVENS. I am not objecting to her setting aside the Schumer amendment. She has made a request beyond that for a limitation of time on some amendment.

Mrs. CLINTON. Madam President, I ask to speak on amendment 4958, which I ask to be pending at this time. The

Senator from Massachusetts asked for a 2-minute timeframe. I was trying to accommodate the Senator. I had been told by our side I would have 20 minutes to speak on amendment No. 4958.

Mrs. MURRAY. Madam President, if I could clarify for the Senate, on our side, what we would like to be able to do over the next half hour, Senator KERRY of Massachusetts would like 2 minutes, the Senator from New York would like 20 minutes, and we are willing to work with you in order to accommodate both those Senators.

Mr. STEVENS. I don’t know who has the floor. I think the Senator from New York does.

Madam President, we are perfectly willing to enter into a time agreement on the Senator’s amendment, but we want some allocated to this side, too. We would like to know what the request is for time.

Mrs. CLINTON. Madam President, could I ask unanimous consent that Senator KERRY be given 2 minutes and I follow with 20 minutes and then we go back to the other side with their procedure as to their speakers?

Mr. STEVENS. We have no objection to the Senator requesting time for herself and the Senator from Massachusetts. I just don’t think it is right to have a time allocation without consideration of the Senators, that is all.

Ms. COLLINS. And without checking with the managers of the bill. We have a great number of Senators who are seeking to bring up their amendments or speak on the bill, and it would be helpful if the Senator from New York would work through the managers of the bill.

Mrs. CLINTON. Madam President, I spoke with the Senator from Washington who is managing the bill on our side. That was the direction I received from the Senator from Washington. I would like the record to reflect that I am following the direction of the manager of the bill on our side.

I hope we can move forward now with a unanimous consent order as to how we will proceed going forward.

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

The Senator from Massachusetts.

Mr. KERRY. Madam President, I thank the Senator from New York, and I thank the Senate.

Madam President, I would like to speak as in morning business.

(The remarks of Mr. KERRY are printed in today’s RECORD under “Morning Business.”)

The PRESIDING OFFICER (Mr. DEMINT). The Senator’s time has expired.

The Senator from New York.

AMENDMENT NO. 4958

Mrs. CLINTON. Mr. President, is the pending business before the Senate amendment No. 4958?

The PRESIDING OFFICER. That is the pending amendment.

Mrs. CLINTON. Thank you, Mr. President.

Mr. President, this amendment goes to the heart of our obligations to one

another with respect to homeland security. It arises out of the attacks of 9/11, the extraordinary physical damage that has been done to thousands and thousands of New Yorkers and other Americans because they responded to that disaster, because they worked in the area of Ground Zero, because they lived or volunteered there.

Each of us is marked in our own way by the events of 5 years ago. I need not recount them. We have just gone through a very painful anniversary of those attacks. My hope is we would not mark this 5-year anniversary merely by replays and speeches and solemn readings of the names of the victims but that it would serve as a reminder of our unfinished business and a call to action on behalf of the service and sacrifice of first responders, workers, and volunteers who participated in the rescue and recovery at Ground Zero.

I have worked over the past 5 years to honor the memories of those who died, to take care of their families, and to help rebuild New York. I have fought for the funding that has generously been offered by the American people to support the economic recovery of downtown New York, building new buildings, helping to support small businesses, creating new transportation infrastructure to replace that which was obliterated. And I have worked to secure funding, starting in the fall of 2001, to monitor those who were affected by the exposure to the toxic gases and substances in the air as a result of the attacks and the implosion of the buildings.

I believe we have a moral obligation as a nation to take care of those who both took care of us and who attempted to return to their ordinary lives as a way of demonstrating solidarity and commitment, resilience and courage, in the face of the terrorist attacks.

There is much we have to do, which is why we are debating this bill about port security. But there is so much more than port security. Democrats offered a comprehensive amendment to this bill that contained the recommendations of many experts, including the 9/11 Commission. Sadly, it was unsuccessful. But that does not mean it was not merited. We cannot rest until we have a comprehensive, well-funded strategy to deal with the threats we face.

But I rise today to talk about a very specific issue. The toll of that fateful day goes beyond the families and friends and colleagues, the brave responders who saved 25,000 people in the greatest rescue mission in the history of the world. Their lives will always stand in our memory and in honor. But thousands of others rushed into that burning inferno. Thousands of others were there when that enormous, devastating cloud of death and destruction covered much of lower Manhattan, crossed the river to Brooklyn, crossed the river to New Jersey.

We have been working to understand the health implications for the people

who breathed that air. That is why I fought to get money for a monitoring and screening program that was established, both at the fire department to take care of our firefighters and also at one of our great hospitals, Mount Sinai, to figure out what happened to everybody else.

The work that commenced from the moment the first plane hit was hazardous and difficult. For as long as 9 months, we had firefighters and police officers, trade and construction workers, other workers, volunteers, residents—we had probably at least 40,000 people coming and going and staying on that site. They worked and lived amidst the dust and the fog and the smog—a toxic mix of debris, smoke, and chemicals.

I first visited the site about 24 hours after the attacks. I was within blocks of the epicenter of the attack, and I could not see anything. But I could smell it. I could taste it. I could literally feel it. And as I watched that curtain of darkness part and the firefighters walking out, covered in black soot, dragging their fire axes, barely able to stand after being on duty for probably 24 hours, I had the first inkling that the damaging effects of 9/11 would last far beyond the actual attack.

Now, unfortunately, our Government officials in charge of making sure health and working conditions did not negatively impact our first responders sent mixed signals, at best. I would go further. They misled people. They said the air was safe. They made no effort to reach out and share the dangers that people knew were in this air.

It was not only people from New York who responded; it was people from all over the country. My colleague, Senator VOINOVICH from Ohio, and I have a bill that would set up a system for the President to carry out a program for the monitoring of the health and safety of first responders who are exposed to harmful substances as a result of the disaster, rather than reacting on ad hoc basis, as we have had to do in the wake of 9/11.

Because of what I witnessed firsthand, and what people started to tell me, the trademark World Trade Center cough appeared within days. People had trouble breathing. They had trouble swallowing. They were coughing. That is why I was so insistent upon getting \$12 million to establish the World Trade Center Worker and Volunteer Medical Screening Program at Mount Sinai. We quickly realized they would need a lot more workers because thousands and thousands of people were signing up and coming. So we secured an additional \$90 million, and we expanded the number of workers and volunteers, and that was in addition to what we did for the fire department, which ran its own program.

Well, last week, Mount Sinai released a report that confirmed our worst fears. It confirmed an earlier report of the New York City Fire Department

study. Tens of thousands of firefighters and all the others who were there were not only exposed but were suffering from significant medical and mental health problems. We are seeing young men and women in the prime of their lives, who were in excellent physical health, experiencing asthma, bronchitis, persistent sinusitis, laryngitis. They are suffering from serious diseases, reactive airway disease. Their lungs are collapsing. Their livers are polluted. In fact, we are now seeing the first deaths.

It is not enough to say we stand with the brave men and women who responded when we needed them. We have to do more. We appropriated \$125 million. And after a year and a half of struggle, money that was meant to go for the workers' comp system—because so many of these people cannot work anymore. They are on disability. They are forced into retirement. And so many of them—about 40 percent of them—who were screened at Mount Sinai had no insurance, so they cannot even get the treatment which they now know they need.

We have met with the Secretary of Health and Human Services, who has promised to get the money released to begin treating these brave men and women. We have worked with Dr. John Howard, the Director of NIOSH, who has documented so many of the diseases and chronic conditions we have seen. But we have a long way to go, and we need to start now.

I cannot give you an exact amount of money that it will take to take care of these thousands of people, but we know it is going to be a lot more than the \$75 million we are waiting to be released on October 1. That is why this amendment would authorize \$1.9 billion in grants to begin the process of setting up the system and over the next 5 years implementing a system to take care of thousands of people who are getting sick and who are dying.

We had a bipartisan, bicameral hearing in New York City last week. One of the witnesses, Steve Cetrone, who is a Federal employee, sat before us—his skin yellowed from the disease of his liver, his memory shot, his lungs collapsing—and described in detail how his Government has let him down and left him behind.

If we do not take care of these people now and start putting up a system we can have in place for the next several years, we are going to betray a fundamental responsibility to those whom we salute whenever it is convenient, when it is political. But enough with that. They do not want our speeches; they do not want our flowery rhetoric; they want our help.

My amendment uses rough estimates of about \$5,800 per individual per year to provide for the continuing monitoring, but, more importantly, to provide for the treatment of these individuals. These are the rough estimates, the best we have right now from the fire department and Mount Sinai.

But we already know there are people on lung transplant lists who were on that pile. We already know people who have been disabled are unable to work and therefore have no insurance any longer. We know there are those who have died because of these exposures.

Now, did everybody get sick? No. Will everybody who got sick die? No. Much of it depends upon where you were, what you were exposed to, what the intensity and the length of the exposure was. Some of it also depends upon your predisposition, your susceptibility, your genetic makeup.

But take the case of Detective James Zadroga, a 34-year-old detective who joined the NYPD in 1992.

He did not smoke. He had no known history of asthma. He was an exemplary New York PD detective, the kind they make TV shows about, someone with a shelf full of commendations, who put himself in harm's way time and time again to protect the people of New York. I spent time with his father Joseph, a retired police chief. You will hear about the 450 hours that this decorated detective spent working on recovery efforts on the pile at Ground Zero in 2001. It filled his lungs with fiberglass, with pulverized concrete, and other toxic chemicals that destroyed his lungs. The stress and strain of his deteriorating physical condition was followed by the death of his wife, leaving him responsible for his 2-year-old daughter. He died on the floor of his bedroom with his little girl trying to wake him.

I know this is an authorization bill, and I know that it doesn't appropriate money, but it does something equally important: it sets a marker, makes a statement, and it takes all of the words and claims of concern and puts them into action. It says we are not only with you in word and deed, but we will not abandon you in your time of need.

If, as we hear, September 11 was a day that changed our Nation forever, and it is one that Americans will always remember, then let's not lose sight of its lessons. Let's finally heed the recommendations of the 9/11 Commission by fully implementing them. Let's do everything we can to make our bridges, tunnels, transit systems, rail lines, our entire infrastructure as safe as possible; otherwise, we are going to have a lot of autopsy reports like we had for James Zadroga. We are going to read about the deaths and disability of thousands of our bravest, most courageous men and women. We are going to see construction workers who, before 9/11, could lift three times their body weight in steel and do whatever was necessary to construct those skyscrapers but are now bent over in pain, unable to breathe and sleep. I don't think that is what we want as our legacy as a Nation coming out of 9/11.

This country has been supportive of New York, and I am extremely grateful. But we were on the end of the spear when it came to absorbing the attack

and reacting. Now we have to continue to keep faith with those who did our country proud in the hours, days, weeks, and months following that horrific attack on our Nation.

Mr. President, I ask for the consideration of this amendment to honor those who honored us and to create a system to make sure that they do not go without care, that they get the treatment they need, that their life can be saved and prolonged, that we don't lose any more like that 34-year-old detective. In his autopsy report, the pathologist said:

It is felt with a reasonable degree of medical certainty that the cause of death in this case was directly related to the 9/11 incident.

Let's not have any more victims of the terrorists. Let's not let bin Laden and al-Qaida claim any more Americans who die as a result of their evil attack on us. Let's band together and support those who need us in their hour. I hope we can make such a statement with this amendment today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, the reports recently released by the Mount Sinai Center did reveal disturbing news about the long-term health effects suffered by those working in recovery efforts after September 11. It is very disturbing because, clearly, we should make every effort to respond to and monitor the health problems of those who were at or near Ground Zero on that day—the heroes who risked their own lives and, apparently, their long-term health by rushing in to rescue others.

This amendment would direct the Secretary of HHS, acting through the Director of the Centers for Disease Control and Prevention, to award grants to entities to provide medical and mental health monitoring, tracking, and treatment to individuals whose health has been directly affected as a result of the attacks on New York City on September 11.

I do have some questions about the amendment, however. For one—and I see the sponsors otherwise engaged, but I am going to pose the question anyway. Again, I am very sympathetic. I think we have an obligation to those rescue workers, firefighters, emergency medical personnel, police officers, and others who risked their own lives and health to respond to the needs of others.

I am concerned that the amendment only applies to those first responders in New York City. There may well be health impacts that were suffered by the rescue workers, firefighters, police officers, and others who responded to the Pentagon. I am concerned that the Senator limits the nearly \$2 billion in funding to only New York, and that doesn't seem fair to me. It seems to me that it should apply to both jurisdictions. I don't know whether there were similar problems in Pennsylvania, as well, but it seems to me it should be broader.

Mrs. CLINTON. Mr. President, may I respond to the Senator?

Ms. COLLINS. I am happy to yield to the Senator from New York to respond to the question.

Mrs. CLINTON. I greatly appreciate the Senator's awareness and commitment to doing something to help those who were affected. Certainly, from her position as chair of the Homeland Security Committee, she knows as much or more about these issues than any one of us. I appreciate greatly the suggestion that we include everyone. I make the following two additional points: Apparently, the rescue workers at the Pentagon were given respiratory equipment, given appropriate garb to wear, and were put into decontamination showers. They had the kind of worksite I wish we had had after a couple of days when the emergency immediately passed. So I wish we had that at Ground Zero. If there are those suffering from ill effects, I completely agree with the Senator. That is one of the reasons Senator VOINOVICH and I have joined together to try to expand the ability to treat first responders who come from anywhere. He had a rescue unit that went back to Ohio and they are sick.

The final point in response to the Senator's question is, our issue in New York is somewhat complicated by the fact that the EPA, under then-Administrator Christine Todd Whitman, consistently stated that the air was safe, told the city, the State, and the workers that, and that there was no effort made to try to even obtain the respiratory equipment and other protective coverings the workers might have needed. I agree that we should not leave any of our responders behind, no matter where they came from or who they are.

Ms. COLLINS. Mr. President, I appreciate the comments of the Senator from New York. The conditions in New York, as far as respiratory equipment, may have been different. But I have worked closely with Senator VOINOVICH on his broader bill. We reported it from the Homeland Security Committee. He offered it today as an amendment. I hope, perhaps, we can have a meeting of the minds on what is a real problem. We do not want those who were so brave that horrible day to not receive assistance, care, and monitoring for health problems associated with their bravery, regardless of which environment they were in.

The second issue I have to raise is the extent of the resources that will be needed to deal with this issue. I don't know the basis for the nearly \$2 billion authorization that the Senator has come up with, so I cannot comment on it.

That leads me to my third point, which is the way the Senator has drafted this amendment, directing the Secretary of HHS, through the Director of the CDC, to allocate the funds. That means it is not in the jurisdiction of the Homeland Security Committee, or

even the Commerce Committee or Finance Committee. It is in the jurisdiction of the HELP Committee. So I have asked staff to notify the HELP Committee of this amendment so that they have an opportunity to review it.

With that, let me again repeat that I think the Senator from New York has identified a real problem. It is not germane to the underlying port security bill, but it is an urgent and real problem. It is in another committee's jurisdiction. We have a different approach that the Homeland Security Committee has taken in working with Senator VOINOVICH because this even goes beyond 9/11.

I know the Senator from New York has also worked with Senator VOINOVICH on his amendment, which is under the Homeland Security Committee's jurisdiction. So I suggest that we get some input from Senator ENZI and Senator KENNEDY, since they are the committee of jurisdiction.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I rise to speak in strong favor of the amendment offered by the Senator from New York. I have listened carefully to the reasons the other side is objecting. At this stage, it sounds as if they are objecting. I hope they will accept this amendment.

Ms. COLLINS. Will the Senator yield?

Mrs. BOXER. Yes.

Ms. COLLINS. There is not necessarily an objection. I don't know because it is not under the jurisdiction of the committee that I am privileged to chair. So I don't want to prejudge whether there is an objection from the HELP Committee or not because I don't know. I have saluted the Senator from New York for bringing a very real problem to our attention, although I wish it were on a different bill. I wish we would move the Voinovich bill separately, which has been on the calendar for a long time. I don't know that there is an objection on this side.

Mrs. CLINTON. A point of clarification, Mr. President. I believe the amendment builds on the World Trade Center monitoring program which did go through Homeland Security. That may not be the best way to proceed in the future, but that is an existing structure.

I absolutely agree with the Senator from Maine that the Voinovich bill will give us an opportunity to avoid these problems in the future, which has to be one of our primary goals.

I thank the Chair.

Mrs. BOXER. Mr. President, I am glad that I said what I did because maybe we have a chance to see this amendment get a favorable response in the Senate. It is true that this is broader than a port security bill, but so was Senator MCCAIN's amendment and Senator SHELBY's amendment. We are broadening this bill because I believe this is our last opportunity to address the issue of homeland defense.

This is a great opportunity to look back at what we have done right and what we have done wrong. And one of the things that was wrong was when Christie Todd Whitman, then head of the Environmental Protection Agency, came before my committee, the Environment Committee, and said the air was safe. She said the air was safe. People were down there at that site. The Senators from New York, Senator CLINTON and Senator SCHUMER, know best how people are suffering, but I can tell you, in California, when we had fierce fires and we had horrible problems that befell our first responders, I wrote a bill. At that time, we could not get a bill through that said that these first responders, these bravest of the brave, deserve to have health care. Many of them were working part time and didn't have health benefits. Many of them lost their jobs and lost their health benefits. That is what is happening to those who worked at the World Trade Center site.

Senator COLLINS makes some good points about jurisdiction, but I don't think the families who are seeing their loved ones wheeze and cough—and one I just read about died literally holding the hand of his 4-year-old—care that this bill before us is about the Department of Homeland Security but the amendment deals with the first responders through another agency. That is why politicians get such bad names sometimes, because we come up with the craziest reasons for saying we can't support something. I am encouraged that Senator COLLINS said not necessarily, that she may, in fact, support this bill.

Words are cheap. We can say anything we want; it is free. But if you mean what you say, that the first responders are heroes, if you mean what you say when you say they should be lauded, remembered, their families protected, and all the rest, then do something about it.

I am so pleased that the Senator from New York has given this Senate a chance to say thank you and to say we are sorry because some of the people were told the air was fine when it wasn't.

I hope we will stand up and be counted. As I said earlier today, I am so glad we have the subject of homeland defense before this Senate. It comes in the form of a port security bill that Senators COLLINS and MURRAY worked on and on which many members of the Commerce Committee and other committees have also worked.

This is a good bill, but we can't leave here thinking that because we did a port security bill, we have addressed the issue of homeland security and all the ramifications that followed from 9/11. We are making this bill better. We are making it more like the Reid amendment. We are going after rail security. We are going after transit security. And now with the Clinton amendment, we have a chance to help those who deserve to be helped—the heroes of 9/11.

We were just reminded—we saw the scenes, we saw their selflessness, and this is a chance for everyone who spoke about them to cast a "yea" vote for them. That is an opportunity we should not miss today.

Again, my thanks go to the Senator from New York and my colleagues for allowing debate on this very important amendment.

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

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

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Clinton amendment is the pending amendment.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order for as long as I may consume, not to exceed 30 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia is recognized.

IRAQ

Mr. BYRD. Mr. President, September 11 has come and gone, and as we remember those who were lost, those lives that were lost on that awful day, that fateful day, and contemplate events since the horrific attack, one truth stands out: The war in Iraq has backfired, producing more recruits for terrorism and deep divisions within even our own country. It is a war we should never have begun.

The detour from our attack on bin Laden and his minions hiding in the cracks and crevices of the rough terrain of Afghanistan, to the unwise and unprovoked attack on Iraq, has been a disastrous one.

Mr. Bush's war has damaged the country because he drove our blessed land into an unnecessary conflict, utterly misreading the consequences, with the result now being a daily display of America's vulnerabilities to those who wish us ill. The United States is a weaker power now, especially in the Middle East but also in the court of world opinion. Where, where, where is the America of restraint? Where is the America of peace and of inspiration to millions? Where is the America respected not only for her military might but also for her powerful—her powerful—ideas and her reasonable diplomacy?

Our country may have deviated occasionally from its positive global image in the past, but Abu Ghraib, the body snatching for torture, euphemistically called rendition, Presidential directives which unilaterally altered conditions of the Geneva Conventions—these

are not the stuff of mere slight deviations from the America of peacefulness, the America of fairness, and the America of goodwill. These are major policy and attitudinal changes of tsunami-sized proportions—tsunami-sized proportions. Our friends shake their heads in disbelief. Our enemies nod wisely and claim they knew all the while. I cannot remember a time in our history when our elected leaders have failed the people so completely, and yet, so far, are not held accountable for costly misjudgments and outright deceptions.

Take our Secretary of Defense, Donald Rumsfeld, for example. He misread the Iraqi situation completely and entirely. He adamantly dismisses suggestions for a larger force in Iraq. He failed to object when the White House's Coalition Provisional Authority disbanded the Iraqi Army, only to have them go underground and provide fodder for the insurgency. Yes, he insisted that the Iraqi people would view our soldiers as liberators, not occupiers, and even failed to properly anticipate the equipment needs of our men and women in harm's way. Who am I talking about? Defense Secretary Rumsfeld.

He continues to insist that we are not facing a civil war in Iraq, despite convincing evidence to the contrary. Yet he sits comfortably in his office as the echo of his errors in judgment and strategy continue to cost thousands of lives—thousands of lives.

Then there is President Bush and Vice President DICK CHENEY. These men continue to try to make the American public swallow whole the line that the war in Iraq is the front-line of a global war on terror which must be continued at all costs. Stay the course, they say, stay the course despite 3 years of discouragingly little progress in Iraq. The body count is approaching 2,700 for our side, tens of thousands for the beleaguered Iraqi people. We ought to think of them, too. Tens of thousands of men, women, and children, the Iraqi people, and billions—billions, I say—billions of American tax dollars of which an embarrassingly large chunk has been wasted by irresponsible contractors and Government officials who lack the proper respect for the public purse. Many of our allies have left the field, recognizing the truth that the administration fails to see; namely, we had the weapons to win the war but not the wisdom to secure the peace.

Yet too many in the public are utterly complacent about the numerous violations of the public trust and the continuing loss of human life in Iraq. Some of our citizens have apparently been convinced that it is unpatriotic to criticize one's country when that country is engaged in an armed conflict. In fact, in our land today, there is a troubling tolerance for Government overreaching on fronts at home as well as abroad. This administration has repeatedly used fear and flag-waving to

blunt the traditional American insistence on the Bill of Rights: personal freedom of thought and action, privacy, and one's right to speak and write as one pleases. Such a cynical exercise on the part of high officials of our Government is unconscionable. It is shameful behavior for which there is no excuse—no excuse, none.

The Congress, under the control of the President's party, has been submissive—submissive, a lap dog wagging its tail in appreciation of White House secrecy and deception. Yes, a lap dog Congress. Yes, we. Even the vast majority of the opposition party has been too quiet for too long, unable to find its voice, stunted by the demand to support the troops. We forget too often that there is a very real difference between support for the troops and support for an unnecessary war. The men and women of our military did not ask to go—no, they didn't ask to go to those faraway places, but they were willing. They went. They answered their country's call. We have an obligation to support them, but we do not need to follow blindly the unthinking policies that keep them mired in a country that is in the middle of a civil war.

The American public is our last best hope now. You out there who are watching through those lenses, you are our last great hope, the American people. Our people must demand more from their representatives—from me, for one—their representatives in Congress, and from their leaders in the White House. Donald Rumsfeld should be replaced by the President because he has made so many grievous errors in judgment on Iraq and because a new voice—hear me now—a new voice at the helm at the Department of Defense could be a breath of fresh air—fresh air—yes, fresh air for our policies in Iraq. Mr. Rumsfeld's replacement would be good—good—for our country. Yet even a sense-of-the-Senate vote of no confidence in Mr. Rumsfeld's leadership has been blocked by the President's party in the Senate. Personal accountability has been long absent from this administration, and I would like to see it returned.

One would hope that men and women who rise to positions of awesome responsibility would have the grace, the dignity, and the honor to know in their own hearts when a well-timed resignation would advance patriotic goals. But too often, the selfish love of power or some misguided show of toughness wins the day to the detriment of our country's fortunes. Donald Rumsfeld ought to step down or his President, Mr. Bush, ought to ask him to step down. There is too much at stake for any other course.

Personally, I believe the President is being derelict in his duties if he does not ask for Mr. Rumsfeld's latchkey. The bungling and the loss of life attendant to this tragic—this tragic—3-year-long debacle in Iraq have hurt this country, hurt its public image, and

hurt its ability to achieve numerous other national and international goals. That kind of dangerous ineptitude should not be excused. It should not be excused. But like so many things, when it comes to Iraq and the Middle East in general, the United States of America is stuck in neutral, with the only thing showing vigorous movement—the ever-spiraling price of gasoline. We have destabilized the Middle East and handed the Mullahs a way to affect the daily lives and livelihood of every American, and the efficacy of our military might: the oil supply lines upon which our own economy and our own military depend.

Now that oil supply is the favorite target for terrorists who have learned the joys of bombing pipelines and listening to America bite its nails about the high cost of gasoline while it laments its lack of foresight in developing alternative fuels.

Now we have passed yet another anniversary of the bloody attacks which precipitated the disastrous situation in which our country finds itself today. Yet while we mourn, there are hard truths to confront. Our attention has been shifted by design and deception too quickly from the war in Afghanistan, a war that we needed to fight, a war that we needed to win. Now the Taliban is on the rise in that country. Al-Qaida continues to find sanctuary in the mountains, violence is on the rise, and peace and stability are in jeopardy.

North Korea, probably reacting to our doctrine of preemption—a very unconstitutional-on-its-face doctrine—North Korea, probably reacting to our doctrine of preemption and our newfound bellicosity, has increased its nuclear capability. Iran has been emboldened by our inability to stop the violence in Iraq and by the lukewarm support that we have garnered from traditional allies. Even the people of Turkey—even the people of Turkey, one of the United States's staunchest allies, Turkey, a member of NATO, and a model, yes, a model of secular Muslim democracy—have turned against us.

A survey, conducted by the German Marshall Fund of the United States, indicates that Iran has become one of the most popular countries in Turkey and that there is a growing willingness to identify with radical Islam. A display of ineptitude and spectacular miscalculation in Iraq has cost us dearly. Disenchantment at home with the dismal results in Iraq will have reverberations for years, much like the failure in Vietnam did in the 1960s.

President Bush insists that his war must go on. He defends warrantless wiretapping of our own citizens as essential to his cause, despite a Court decision that the President has no such authority under our Constitution—our Constitution, this Constitution. He defends torture and rendition and says that they have produced valuable evidence which has subverted several terror attacks on our country. But his

credibility is so damaged that it is difficult to believe him. He demands the authority to hold terror suspects indefinitely and then to try them using military tribunals which deny basic rights, also in defiance of a Supreme Court ruling. He seems convinced that he can win a global war on terror despite the demonstrated failure of his policies of unilateralism, militarism, overheated rhetoric, and a pathological dislike of diplomacy.

So it is up to the Congress—up to us, the Congress, the people's branch—to change course and to stop the heinous raiding of constitutionally protected liberties by a White House which does not fully appreciate the true meaning of the word liberty, the true meaning of the word freedom.

My fellow Senators, I hope that we may find the courage.

I yield the floor.

AMENDMENT NO. 4975

The PRESIDING OFFICER (Mr. SUNUNU). Under the previous order, there will now be 4 minutes of debate equally divided on the motion to table the Biden amendment.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I would like to take 1 minute and reserve 1 minute. I make this motion to table because I believe this amendment is so comprehensive, it really doesn't belong on this bill. The concept of the funding for the activities recommended by the Biden amendment is the amendment mandates the committee to bring out a bill to provide the funding. It would be an increase of \$32.8 billion for the Homeland Security Department; that is a 19-percent increase over the amount that has already been allocated. We do not need that. This is not the place to consider that, anyway. This deals with restoring the cuts that have taken place in law enforcement areas. It is looking at liquid explosives and hazardous materials concepts. It has a whole series of things in here that deal with funding—money for more FBI agents, more money for Justice Assistance grants, more money for Customs agents. A whole series of things are involved. It is two pages long.

The money that would be authorized by the funds that the Biden amendment would mandate we provide under the appropriate procedures.

Being essentially a sense-of-the-Senate resolution, it is difficult to deal with, but that kind of resolution becomes a mandate in the next year.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Parliamentary inquiry, Mr. President. What happens if the Senator does not arrive and the time comes?

The PRESIDING OFFICER. There remains approximately 20 seconds in opposition to the motion.

Mr. STEVENS. Let me use the remainder of my other minute, then.

I point out to the Senate that this amendment would create a new trust

fund, and into that trust fund would go the moneys that would come from the mandate to the Finance Committee to reduce the scheduled and existing income tax reductions enacted since the taxable year 2001 with respect to what taxpayers earn in excess of \$1 million a year. That is a laudable thing, but this is not just a sense-of-the-Senate resolution; it is a mandate to the Senate to do this.

The PRESIDING OFFICER. All time for debate has expired.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Under the previous order, the question occurs on the motion to table the Biden amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

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

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—57

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

NAYS—41

Bayh	Harkin	Mikulski
Biden	Inouye	Murray
Bingaman	Jeffords	Nelson (FL)
Boxer	Johnson	Obama
Byrd	Kennedy	Pryor
Cantwell	Kerry	Reed
Carper	Kohl	Reid
Clinton	Landrieu	Rockefeller
Dayton	Lautenberg	Salazar
Dodd	Leahy	Sarbanes
Dorgan	Levin	Schumer
Durbin	Lieberman	Stabenow
Feingold	Lincoln	Wyden
Feinstein	Menendez	

NOT VOTING—2

Akaka Chafee

The motion was agreed to.

Mr. REID. 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. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

SENATOR BAUCUS'S 10,000TH VOTE

Mr. REID. Mr. President, with this last vote, the senior Senator from Montana, MAX BAUCUS, casts his 10,000th vote. He has entered into very good company having cast his 10,000th vote. Senator SARBANES, Senator LUGAR, and Senator HATCH are in the company with him.

I applaud and congratulate my friend, MAX BAUCUS. He has served a lifetime representing the people of the State of Montana. He was elected to the Montana State Legislature in 1973, the House of Representatives of the United States the next year, in 1978 elected to the Senate. He has a compelling background. He was raised on a ranch near Helena, MT.

One of the fascinating things that speaks of Senator BAUCUS's personality, he did not know as a young man what he wanted to do. So to get his thoughts together and his head on straight, as he said, he decided he would travel the world. And he did that, by himself, hitchhiking and catching rides, and when he had a few dollars, he would catch some type of public transportation. He traveled the world over. He got very sick on an occasion or two drinking water that was not like water in Helena, MT.

I repeat, it speaks of who MAX BAUCUS is. He has an outstanding education. He was educated in one of the finest university's in the world, Stanford, for both his undergraduate work and for his law degree.

When I was elected to the Senate, the first person to reach out to me socially was MAX BAUCUS. He invited me to his home, where I met his lovely wife Wanda. Now, in the years since, because of our Senate schedules being as busy as they are, we have not done a lot of things socially. I speak to Wanda a lot on the telephone, trying to find Senator BAUCUS. She is, to me, a fascinating woman—whether she is doing her painting or writing a book, she is always doing something intriguing. They have a wonderful son Zeno.

We all shared in the tragedy that occurred in Senator BAUCUS's life during the past few weeks when his nephew—who to Senator BAUCUS was like a son—United States Marine Corpsman Phillip Baucus, was killed in Iraq serving our country.

I am almost embarrassed to talk about MAX's athletic accomplishments because mine so pale in comparison. I always feel kind of good about the fact that I have run a lot of marathons. Marathons are nothing for MAX BAUCUS. He has run 50-mile races, 100-mile races. Remember, a marathon is only a little over 26 miles. But in one race, he has run four times the marathon that I and others run.

Senator BAUCUS has been chairman of the Environment and Public Works Committee, chairman of the Committee on Finance, ranking member now. He set a great example to me as I

was then a junior member of the Environment and Public Works Committee on the first highway transportation bill, working with him and Senator Moynihan.

One of the things I recognize with Senator BAUCUS is he has been a great leader for our caucus and the Senate, from Social Security to the economy. Generally, we look to him for guidance.

One of the things I also appreciate and admire in Senator BAUCUS is the working relationship that he has with Senator GRASSLEY. They do not always agree on issues, but they have a real partnership in that Committee on Finance. I think they set an example for what all Senators should do, and certainly all chairman and ranking members. I so appreciate their working together. I repeat, they do not always agree, but they never are disagreeable in their disagreements.

I know I speak for all Montanans, and I know I speak for all Democratic Senators, and I am sure Republican Senators, in expressing our admiration and respect for Senator BAUCUS in casting his 10,000th vote.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, if I could follow on in the same vein in order to associate myself with the remarks of the distinguished Democratic leader, knowing Senator BAUCUS, I bet he is so busy that he probably didn't even realize he was casting his 10,000th vote. I know it is a very major accomplishment; very few Members do that.

I congratulate him. That signifies a lot of hard work in and of itself, but I think of the really hard work that Senator BAUCUS does working as a member of the Senate Committee on Finance—sometimes as chairman, sometimes as ranking member—and, more importantly, not just working hard but working in a cooperative way to get things done.

I honor him. I didn't know anything about it. I am glad to hear about it. He should be recognized, and I thank him for the cooperation he has given to me over the years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I thank my friend from Iowa. I thank all my friends, especially Senator REID and Senator GRASSLEY. I had no idea I cast 10,000 votes until someone said it was the 10,000th about 15 minutes ago.

I have several thoughts. No. 1, it is such a privilege to represent the State of Montana. I have 900,000 of the world's best bosses. You could not ask for better employers than the people of the State of Montana. I am so grateful to have the privilege to serve my 900,000 constituents.

Second, I am reminded a little bit of years past. There have been very great Senators serving this body, a time when there was more agreement, more bipartisanship. It was not quite as partisan as it is today. I hope over the

next 1,000 votes, or however many are cast, we move to a time of more bipartisanship; that we do work together.

Senator GRASSLEY and I are very lucky to work closely together. I am honored to work with him. There have been a lot of major votes I am proud of. There are a couple, as I look back, I wish I had not cast. But that's life. We do the very best we can, and most of us do a pretty good job.

I thank my friends. I thank my colleagues. I thank everyone else who is part of the larger Senate for all that you do. It means a lot to me.

Mr. NELSON of Florida. Before I call up an amendment, I will say a word about Senator BAUCUS. It is a measure of the man in times of tragedy how one will stand tall and be a healing force among the bereaved. In this terrible tragedy his family has had, the son of his brother being killed in Iraq, Senator BAUCUS was able to bring comfort to his family, and particularly to his brother, by going to the Air Force Base and receiving the body of his nephew and then escorting the coffin all the way to Montana, and returning that body, as the Good Book says, from dust to dust.

I want to add my personal comments of appreciation for the life of Senator BAUCUS and especially for his public service.

#### AMENDMENT NO. 4968

Mr. President, I call up amendment No. 4968.

The PRESIDING OFFICER. The pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 4968.

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

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

The amendment is as follows:

(Purpose: To require the Department of Homeland Security provide Congress with a strategy for deploying radiation detection capabilities to all United States ports of entry)

On page 27, between lines 20 and 21, insert the following:

(h) EXPANSION TO OTHER UNITED STATES PORTS OF ENTRY.—

(1) IN GENERAL.—As soon as practicable after—

(A) implementation of the program for the examination of containers for radiation at ports of entry described in subsection (a), and

(B) submission of the strategy developed under subsection (b) (and updating, if any, of that strategy under subsection (c)), but no later than December 31, 2008, the Secretary shall expand the strategy developed under subsection (b), in a manner consistent with the requirements of subsection (b), to provide for the deployment of radiation detection capabilities at all other United States ports of entry not covered by the strategy developed under subsection (b).

(2) RISK ASSESSMENT.—In expanding the strategy under paragraph (1), the Secretary shall identify and assess the risks to those

other ports of entry in order to determine what equipment and practices will best mitigate the risks.

Mr. NELSON of Florida. Mr. President, the 9/11 Commission Report said:

[O]pportunities for terrorists to do us harm are as great—or greater—in our shipping ports as they are in commercial aviation.

We have done a pretty good job in tightening up the security of our airports but not so in our seaports. That is the purpose of this whole bill on port security.

A respected policy center that studies terrorism looked at what would happen if a 10-kiloton bomb was detonated in a seaport—in this particular simulation, the Port of Long Beach, CA. They pointed out that 60,000 people would die instantly, and another 150,000 would suffer radiation poisoning, and some 2 to 3 million people would have to be relocated as a result of the contaminated land. Of course, the cost to our Nation's economy would be enormous—about \$1 trillion under that scenario.

Most experts agree that our ports are not only vulnerable but also the damage resulting from an attack could be catastrophic. Where are most of the ports located? Mostly, they are snuggled up to, close to, a downtown, a highly dense urban community.

The State I represent, Florida, is home to 14 deepwater ports, so we have the task we are trying to address in this bill of protecting these ports and protecting the peace and security of our people.

The outcome of this fight has very broad implications for our country. All of our Nation's 88 ports that handle cargo containers still remain vulnerable. Only—we are estimating—6 percent of all the cargo coming into these ports is fully inspected.

Our own Department of Homeland Security says three out of four American ports do not have the equipment to screen for nuclear weapons or for a dirty bomb, which is a conventional weapon designed to spread radioactive material. And the Congressional Budget Office says the President's proposed plan falls about \$130 million short of what is needed to protect these ports.

I recall my former colleague from Florida, the former chairman of the Intelligence Committee, former Senator Bob Graham, recently warned that the increase in Federal spending was not enough to adequately protect ports. This former chairman of the Senate Intelligence Committee said that if he were a terrorist, he would know exactly how to go about wreaking havoc—he would head for a port with lax security and then do his dirty work.

In the legislation before us, we have taken a giant step in the right direction. We are proposing to secure 22 of our Nation's busiest container ports. But what about the other 66 domestic container ports? Shouldn't they receive the scrutiny? And shouldn't we protect the additional 273 secondary sea and river ports in the United States?

Certainly, we should. That is why I offer this amendment today, which will direct the Homeland Security Secretary to develop a strategy for the deployment of radiation detection capabilities at every U.S. port. I believe it is going to make all of us a little bit safer. There has been enough delay. Now it is time to do this. And we should do it right. So this legislation is the implementation of a program for the examination of containers for radiation at ports of entry described in the bill, not just the 22 major ports.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, the port security legislation we are considering requires that radiation detection equipment be installed in the busiest 22 ports of entry by the end of next year. That would result in 98 percent of all cargo coming into this country being screened for radiation or radiological devices.

The Senator's amendment raises the question of, What about those smaller ports? Doesn't this invite, for example, terrorists, knowing they will be screened at the 22 largest ports, to instead divert dangerous cargo to a small port?

The Department of Homeland Security wants to make sure it has flexibility to do, perhaps, handheld devices for screening rather than the expensive, large radiation portal monitors that are at big ports, such as Seattle.

I would pose a question, through the Chair, to the Senator from Florida, whether there is anything in his amendment that speaks to the type of equipment that must be installed, because obviously, if you have a very small port that only gets a couple of cargo ships per year, it may not make sense to invest in radiation portal monitors, but it may make sense to, instead, assume that the Customs and Border Patrol agents are equipped with handheld screening devices, which still screen.

So I would ask, through the Chair, my colleague from Florida whether his amendment, as I read it, gives flexibility to the Department as to the types of equipment, in keeping with the fact there are different needs and different volumes?

The PRESIDING OFFICER. Without objection, the Senator from Florida will be given the opportunity to reply.

Mr. NELSON of Florida. Well, indeed, thank you, Mr. President.

The Senator from Maine is exactly correct. There is the flexibility in the amendment for the Department to make that determination because it is specifying the implementation of a program for examination of containers for radiation at ports of entry.

Ms. COLLINS. Mr. President, I thank the Senator from Florida for his clarification.

With that understanding, I am pleased to recommend that the Senate adopt his amendment.

I yield to the Democratic manager of the bill to see if we could clear this amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we have cleared this amendment on the Democratic side, and we are happy to move forward with its adoption right now.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 4968) was agreed to.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Is there objection? Is there objection to setting aside the pending amendment?

The Senator from Maine.

Ms. COLLINS. Mr. President, we have had a lot of amendments offered on the Democratic side, and there are Republican Senators who are eager to come to the floor—Senator COBURN, Senator DEMINT, Senator VOINOVICH—to complete the action on their amendments. I thought we had an understanding that we were going back and forth, but instead we seem to be doing Democratic amendment after Democratic amendment after Democratic amendment. So until I get some clarification on how we are going to proceed, I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I totally understand the concerns of the Senator from Maine. I just would like to request—we only have one Senator on our side at this time who wants to bring up an amendment, and there are no Republicans here at this time. He is the only one I am aware of right now who is here in the Chamber ready to go. If it would not be objectionable, if it would be all right that he could just offer his amendment, he just wants to call it up.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, it would be helpful if the Democratic manager of the bill or the sponsor of the amendment gave us some idea as to the subject of the amendment and whether the Senator from New Jersey is seeking a full debate on it or just wants to call it up briefly—or what his intentions are.

The Senator from New Jersey has an amendment that we are trying to put in a block of amendments to deal with the issue of scanning cargo. There are three such amendments that are pending: the amendment of the Senator from New York, Mr. SCHUMER; the amendment of the Senator from New Jersey; and the amendment of the Senator from Minnesota. I need more information about the Senator's intentions, given he has filed more than one amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I believe the Senator from New Jersey just wants to call up his amendment and speak for a few minutes, if I am not incorrect.

I say to the Senator from New Jersey, if you could just tell us—I believe it has been shared on both sides.

I say to the Senator from Maine, I know your staff has a copy of it.

But if the Senator could just explain his intentions.

The PRESIDING OFFICER. Without objection, the Senator from New Jersey.

Mr. MENENDEZ. Mr. President, my amendment is amendment No. 4999. It is to ultimately have a plan to move toward the scanning of cargo. I intend to speak for about 10 minutes on the amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, then I am going to have to object to the Senator proceeding at this time because we have proposed that all three amendments that deal with the scanning or screening of cargo be considered together, including the amendment of the Senator from New Jersey. If we can get an agreement where we could consider and debate all three amendments and then have three consecutive votes on those amendments, then I would not object. But if we cannot get that agreement, then I do object.

Mrs. MURRAY. Mr. President, 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.

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

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

Ms. COLLINS. Mr. President, I ask unanimous consent that at 4 p.m. today, the Senate proceed to a vote in relation to the Coleman amendment No. 4982, to be followed by a vote in relation to the Menendez amendment No. 4999, with no amendment in order to either amendment prior to the vote; finally, that the time until the vote be equally divided between the two managers or their designees, and that there will be 2 minutes equally divided of debate prior to each vote.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, we have no objection to this agreement. I thank the manager for working through this with us.

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

Who yields time?

Mrs. MURRAY. Mr. President, I yield time to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 4999

Mr. MENENDEZ. I ask unanimous consent that amendment No. 4999 be called up at this time.

The PRESIDING OFFICER. The clerk will report.

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 4999.

The PRESIDING OFFICER. I ask unanimous consent that reading of the amendment be dispensed with.

Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the security of cargo containers destined for the United States)

On page 30, between lines 8 and 9, insert the following:

**SEC. 126. PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop an initial plan to scan—

(1) 100 percent of the cargo containers destined for the United States before such containers arrive in the United States; and

(2) cargo containers before such containers leave ports in the United States.

(b) PLAN CONTENTS.—The plan developed under this section shall include—

(1) specific annual benchmarks for—

(A) the percentage of cargo containers destined for the United States that are scanned at a foreign port; and

(B) the percentage of cargo containers originating in the United States and destined for a foreign port that are scanned in a port in the United States before leaving the United States;

(2) annual increases in the benchmarks described in paragraph (1) until 100 percent of the cargo containers destined for the United States are scanned before arriving in the United States;

(3) a description of the consequences to be imposed on foreign ports or United States ports that do not meet the benchmarks described in paragraphs (1) and (2), which may include the loss of access to United States ports and fines;

(4) the use of existing programs, including CSI and C-TPAT, to reach annual benchmarks;

(5) the use of scanning equipment, personnel, and technology to reach the goal of 100 percent scanning of cargo containers.

On page 61, line 6, strike the period at the end and insert “; and”.

On page 62, between lines 6 and 7, insert the following:

(5) an update of the initial 100 percent scanning plan based on lessons learned from the pilot program.

Mr. MENENDEZ. Mr. President, I thank my colleagues, Senator INOUE, Senator MURRAY, and Senator COLLINS, for their work and attention to this critical subject. I am pleased to stand with them in trying to work to ensure that a concrete port security measure takes place that makes our Nation's ports safer than they are presently.

We have just commemorated the fifth anniversary of the September 11 attacks. I cannot think of a way in which we can learn from those lessons more than to finally come to an agreement on a strong, well-funded port security bill. For those of us who represent States such as mine, New Jer-

sey, with the largest ports in the country, it is not a moment too soon. In fact, some would argue that it comes rather late in the game. I have to agree.

Five years after that tragic September day, nearly 4 years after Congress passed the Maritime Transportation Security Act, and 2 years after the September 11 Commission issued its report and its 41 recommendations, our Nation's busiest ports remain underfunded, understaffed, and overwhelmed. A myriad of new stories over the last week in the runup of the fifth anniversary of September 11 have consistently pointed to one irrefutable fact: our ports remain vulnerable to a terrorist attack. This is not news for some of us.

In December of 2001, I introduced a port security measure in the House of Representatives which sought to fully understand the vulnerabilities we face at all of our ports. I certainly hope this will move us along in that way. I urge, certainly, that we come to that conclusion.

Let's remember that an attack at our ports would not just hurt trade and commerce. Such an attack at a port would devastate surrounding communities. In August, the Rand Corporation released a report concluding that “a nuclear explosion at the port of Long Beach could kill 60,000 people immediately, expose 150,000 more to radiation, and cause 10 times the economic loss of the September 11 attacks.”

In my State of New Jersey, the Elizabeth-Newark Port, the largest container seaport on the east coast, handled more than \$132 billion in goods in 2005 and creates over 200,000 jobs. Imagine what would happen to the Nation—not just New York or New Jersey—if commerce were shut down in this port. Imagine the number of lives in that immediate region, one of the greatest concentrations of population in the Nation.

According to retired Coast Guard CDR Stephen Flynn, the cargo containers “are a potential Trojan horse in the age of terrorism.” He is right. Mr. Flynn pointed out that we are not keeping pace with the terrorists' capabilities. The threat continues to evolve. When we patched up one security hole, they found another gap, another vulnerability.

In December 2005, small undercover teams of investigators from the Government Accountability Office were able to carry small amounts of Cesium 137, a radioactive material used for medical and industrial purposes, in the trunks of rental cars in the States of Washington and Texas. The Washington Post reported that the radioactive materials did set off alarms, but GAO agents were able to use phony documents to persuade U.S. border guards and Customs officers to let them pass into the country.

As long as cargo containers remain a mainstay of international commerce, and as long as we cannot verify what is

inside each and every one of them, we are vulnerable.

Right now, only 5 percent of containers entering this country are inspected. That is a number which I believe would shock most Americans. Let me be clear. It would be unacceptable to screen only 5 percent of White House visitors every day, so why is it acceptable to scan only 5 percent of cargo entering our country every day? Scanning anything less than 100 percent of cargo that enters our ports is irresponsible and downright negligent. Only scanning 5 percent of cargo containers that enter our ports is the equivalent of locking the car doors but leaving the windows down and the keys in the ignition. It is unacceptable.

Even the system we now use to determine which of the 5 percent of containers to inspect is riddled with flaws. Customs inspectors rely on manifests and intelligence data—both of which can be unintentionally incorrect or even manipulated—to develop algorithms that tell them which container to open. We cannot take the risk that complex mathematical equations relying on faulty inputs will catch a chemical, nuclear, or biological weapon shipped into our ports. We need to develop a system that will eventually ensure that 100 percent of containers bound for this country are inspected, either physically or through effective nonintrusive scanning that will find and detect weapons no matter how they are disguised.

We need to take advantage of existing technologies that can scan the inside of a container, even before it leaves a foreign port, and create a downloadable image of what is inside. That image can be reviewed in real time by security officials in the United States so we know exactly what the container holds before it even sets sail for our shores. By combining this technology with scans for radioactive material, we can find dangerous materials before they ever arrive in our ports.

Port security is a serious matter that should be addressed with a comprehensive and consistent plan, not a game of “Eeny Meeny Miney Mo” to figure out which cargo container to scan. Five years after September 11, we must have a plan, a clear roadmap that describes how we will move our Nation to 100 percent scanning at our ports. To accomplish this, this amendment would require just that: to produce an initial plan, a tangible document that clearly outlines how to increase scanning to 100 percent at our ports. The plan must include yearly benchmarks and consequences for supply chain entities that fail to comply, and this could include loss of access to U.S. ports and levying of fines.

My amendment also includes a requirement for an update of the initial 100-percent scanning plan that would include lessons learned from the pilot system.

The definition of 100 percent scanning is very important here, and I hope

our colleagues will focus on this issue. The American public should not be misled by anyone stating that screening is sufficient or that offering amendments for 100-percent screening is a step in the right direction.

Let me be very clear: 100 percent screening means just looking at manifests, manifests that are often incomplete and incorrect. Relying on manifests is simply not the way to ensure cargo containers do not contain items they should not, items that could endanger the security of our ports, the surrounding communities, and the people in our country.

I want to emphasize that I am not calling for all containers entering the United States to be opened up and examined. What I am calling for, and something that is well within our technical capabilities, is to ensure that all containers entering the United States have been scanned using nonintrusive technology.

But to get to 100 percent container inspection and to have true container security, we also need to take immediate steps to put scanners in place here and abroad to track containers as they move across the ocean and to start protecting against not only nuclear but chemical and biological agents.

In conclusion, we have been debating the details of this cargo inspection regime for far too long. It is not a new issue. But the time has come to act decisively and with one voice to make our ports safer than they are now.

Five years after September 11, we still do not know what is entering our ports. Recently, a commercial airplane was diverted because someone forgot their BlackBerry on board. Yet thousands of cargo containers stream into our Nation every day without us knowing exactly what they contain.

Just this past Monday, we commemorated the fifth anniversary of the attacks that shocked the Nation and took the lives of 3,000 Americans, including 700 New Jerseyans. We must remember the terrorists used methods beyond our wildest imaginations and spurred the Congress into some action to better protect our Nation. Here we stand 5 years later and we are still not scanning 100 percent of the cargo that enters our country. We are tempting fate in a most reckless way. We have identified a clear vulnerability and we must do everything we can to decrease the threat before it is too late.

If we could roll back the clock 10 years and spend a few billion dollars to raise the levees in New Orleans to be able to withstand a category 5 hurricane, we would have saved hundreds of lives, as well as the billions of dollars it will take to rebuild that city. I don't want this country to look back in hindsight a few years from now with the realization that if we had taken action today, we could have prevented a major terrorist attack. Who among us would be satisfied in the aftermath of an attack that we did not take the steps

that could have prevented it because we were unwilling to dedicate the necessary resources? That is the choice the Congress faces and the Senate faces today. And for the security of our country, it is essential that we make the right one.

I urge my colleagues to support this amendment so that we can do so and move toward a plan that will give us 100 percent scanning.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I listened carefully to the comments of the Senator from New Jersey in which he advocates for 100 percent scanning. He says, for example, that is the only way we can be safe, that we would never scan just 5 percent of the people coming to the White House. I think there is a lot of misunderstanding about how the current system works, so let me start with an explanation of the layered system of security we have at our ports right now.

First, all cargo manifests are submitted to authorities 24 hours before ships pull into ports. The automated targeting system is a sophisticated analysis that looks at where did the cargo come from, what is its destination, what is the cargo, who are the shippers involved, who is the retailer or other recipient of the cargo. Through a classified system, those and other factors are considered, and the cargo is assigned scores depending on this analysis.

Let me first be very clear. Every single container goes through that step, and that is called screening. There is a lot of confusion among the terms "screening," "scanning," "integrated scanning," and "inspection." So what I have described is the screening process that uses this automatic targeting system to identify at-risk containers.

After the at-risk containers are identified, they are supposed to be scanned or even physically searched by Customs and Border Protection. However, an investigation by the Permanent Subcommittee on Investigations of the Homeland Security Committee, which Senator COLEMAN led, indicated that this system didn't always result in an inspection of the high-risk container, despite it being identified. Senator COLEMAN is going to be offering an amendment shortly that will ensure 100 percent scanning of those high-risk or at-risk containers. So that is one aspect of the system we have now.

Another layer is the Container Security Initiative. Under this program, our American Customs and Border Patrol officers are stationed at foreign ports. The CSI program is currently operational in 44 ports which cover approximately 75 percent of containerized cargo heading for the United States by sea. What we do is we work with the host government, and again, the process is to push hazards away from our shores, identify the high-risk cargo, and make sure it is never loaded onto our ships in the first place.

In addition, there is another system, which is that many containers are also scanned for radiological material at U.S. ports. When I visited, with the Senator from Washington State, the Seattle Port, we saw the radiation portal monitors that do this kind of scanning. Our bill requires that by the end of 2007, the largest U.S. ports must have radiation scanners which will ensure that 98 percent of inbound containers are scanned.

There is also a Department of Energy program called the Megaports Initiative that is currently scanning containers in foreign ports for radiological material.

Yet another layer of security is the Customs Trade Partnership Against Terrorism Program, the so-called C-TPAT Program. This is a program whereby manufacturers, retailers, and shippers secure the supply chain so that security is assured from the factory door to when the container arrives at our shores. Every step of the supply chain is secured. Senator MURRAY has improved upon that concept with her GreenLane concept which will give additional benefits to shippers who undertake even stronger security measures. This involves making sure, for example, that containers are sealed with electronic seals that can reveal whether they have been tampered with or opened en route. In other words, this is a risk-based approach to enhancing the security of our containers.

At the same time—and this is the approach our bill builds upon—the layered approach to security allows the maritime cargo industry in the United States, which moves more than 11 million containers per year, to function efficiently. That is important. I have seen the giant VACIS machines that do these x-ray screenings. It is not that quick a process. It takes a while. It takes probably 4 minutes or so for them to go around the container, and then the analysis of those images can take up to 15 minutes.

With 11 million containers entering the U.S. seaports every year, the delay caused by screening all containers would cause a massive backlog of cargo at the ports. That doesn't mean that someday—someday soon, I believe—we are not going to have the technology that will allow us to do an integrated scan, both in x ray and a scan for radiological material, in a far more efficient way and have a method of triggering an additional review if something is found.

The Washington Post said it very well in an editorial yesterday when they said:

The "inspect all containers" mantra is a red herring that exploits America's fears about what might slip through in order to score political points, ignoring the fact that there are much more cost and time effective ways of keeping dangerous cargo out of the country.

Our bill we have brought before the Senate would do just that by strengthening and improving upon the existing

programs. I believe with Senator COLEMAN's amendment, which I am proud to cosponsor along with the Senator from Alaska, we can even improve it further and set the stage when someday—soon, I hope—we do have the technology that allows us to do 100 percent integrated scanning.

The Senator from New Jersey just calls for scanning, so I don't know whether he doesn't want an integrated system which includes the radiological scan. But in any event, it has an integrated scanning system that will work and allow us to move cargo quickly. That is where we should be headed. We can't ignore the reality that we don't have the technology yet to do that effectively and efficiently now but that we can put in place a layered system that gives us greater protections than we have today.

We have to realize also that we have limited resources. I remember an expert in port security once telling me that if you inspect everything, you inspect nothing. You have to focus on risk and you have to come up with systems that build a layered approach, starting with securing the supply chain, working with the governments of foreign ports, having radiological scanning, making sure we put into place a layered security system.

I would note two other issues that I see in the amendment offered by the Senator from New Jersey.

First, much to my surprise, the language on page 2 of his bill suggests that all outbound cargo from the United States would have to be scanned. I can't imagine what the impact on trade would be. They would be using the same equipment as the inbound containers, so it would cause a tremendous backlog in scanning containers.

Second, he has some troubling language where he calls for a description of the consequences to be imposed on foreign ports or U.S. ports that don't meet the benchmarks described in his language, which may include the loss of access to U.S. ports and fines. What are we saying—that we are going to threaten ports with fines rather than working with them? That kind of language just invites retaliation by foreign governments, and I think it is misguided in the extreme.

So I think the bill is a very good bill that we have brought before our colleagues and a balanced bill to deal with this issue, but I think we can strengthen it further, improve it further by adopting the amendment of the Senator from Minnesota, which I am proud to support and cosponsor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 4982

Mr. COLEMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside and ask for the immediate consideration of amendment No. 4982.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. COLEMAN] proposes an amendment numbered 4982.

Mr. COLEMAN. 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 as follows:

AMENDMENT NO. 4982

(Purpose: To require the Secretary of Homeland Security to ensure that all cargo containers are screened before arriving at a United States seaport, that all high-risk containers are scanned before leaving a United States seaport, and that integrated scanning systems are fully deployed to scan all cargo containers entering the United States before they arrive in the United States)

On page 66, before line 9, insert the following:

**SEC. 233. SCREENING AND SCANNING OF CARGO CONTAINERS.**

(a) 100 PERCENT SCREENING OF CARGO CONTAINERS AND 100 PERCENT SCANNING OF HIGH-RISK CONTAINERS.—

(1) SCREENING OF CARGO CONTAINERS.—The Secretary shall ensure that 100 percent of the cargo containers entering the United States through a seaport undergo a screening to identify high-risk containers.

(2) SCANNING OF HIGH-RISK CONTAINERS.—The Secretary shall ensure that 100 percent of the containers that have been identified as high-risk are scanned before such containers leave a United States seaport facility.

(b) FULL-SCALE IMPLEMENTATION.—The Secretary, in coordination with the Secretary of Energy and foreign partners, shall fully deploy integrated scanning systems to scan all containers entering the United States before such containers arrive in the United States as soon as the Secretary determines that the integrated scanning system—

(1) meets the requirements set forth in section 231(c);

(2) has a sufficiently low false alarm rate for use in the supply chain;

(3) is capable of being deployed and operated at ports overseas;

(4) is capable of integrating, as necessary, with existing systems;

(5) does not significantly impact trade capacity and flow of cargo at foreign or United States ports; and

(6) provides an automated notification of questionable or high-risk cargo as a trigger for further inspection by appropriately trained personnel.

(c) REPORT.—Not later than 6 months after the submission of a report under section 231(d), and every 6 months thereafter, the Secretary shall submit a report to the appropriate congressional committees describing the status of full-scale deployment under subsection (b) and the cost of deploying the system at each foreign port.

Mr. COLEMAN. First, before I begin talking about my amendment, I wish to thank the Chair of the Homeland Security Committee, Senator COLLINS, and her cosponsor for the work they have done on port security. The Senator from Washington has been a champion. Although she is not on our committee, she has spent as much time sitting in on these hearings as many committee members. It has been a magnificent display of bipartisanship and a magnificent display of the best in the U.S. Senate.

Looking at the issues today, we have serious challenges, and I believe the bill before us does a magnificent job of addressing some of the greatest vulnerabilities our Nation faces. We have vulnerabilities, and our subcommittee did its own work in looking at some of these areas.

For about 3 years, we have looked at these issues of trying to bolster America's port security and supply chain security. During the course of that, we identified numerous weaknesses. The subcommittee found at one point in time that only a de minimis number of high-risk containers were actually inspected. It was a very serious problem.

The subcommittee found that an overwhelming proportion of C-TPAT companies that Chairman COLLINS talked about enjoy the benefits without having been inspected, without having the certifications you need to make sure that if you are going to give people the benefit of operating this program, they do it the right way. We found a flawed system that Homeland Security uses in identifying high-risk containers entering the United States. We raised concerns about the percentage of cargo containers entering U.S. ports that are actually screened with radiological devices. So these are just a handful of the significant problems we discovered.

The bottom line is that the underlying legislation tackles these concerns and many other weaknesses head-on—head-on. So as someone who has spent 3 years looking at this issue, I look at the underlying bill and say the concerns that the subcommittee raised in terms of inadequate nuclear and radiological screening will be taken care of in a set period of time. There are deadlines in here. When Secretary Chertoff testified before our committee this week, he indicated that by the end of next year, 2007, we will have 100 percent screening of radiological material in this country. So the bill addresses it. The actions of the committee have moved the agency forward, and I think that is a good thing, although there is more to be done.

One of the things I have been a champion of is the idea of screening and scanning all containers coming to our country. That is a goal. There are 11 million—11 million—that enter into our country, and the goal is it would be ideal to be able to scan every one. It is important, by the way, that we screen every one.

One of the things we worry about here as we get closer to election season is that some language is generating some fears on the part of the American public about our vulnerability. People in this country should know that every container is screened. There is a system in place. Our chairman did a tremendous job of describing the layered security that is employed. There are layers of security that highlight high risks and allow us then to do a targeted job of dealing with the issue of security.

We never have a 100-percent guarantee. We live in a world where there are few 100-percent guarantees. But we have a system that allows us to have this layered security, improved substantially by this bill, that allows the flow of commerce to go through.

If my colleagues recall, Osama bin Laden said he wanted to destroy us economically. He wanted to cripple this country. He understood that if you destroy the economy, you destroy the country. So as we deal with this issue of supply chain security, we have to do everything we can to make sure we are secure. We also have to make sure we don't put things in place that achieve the goal of the terrorists, which is to destroy the flow of commerce and destroy the economy. That is the balance, and it is difficult. We are always erring on the side of safety.

One of the things we saw during the course of our investigation—I had a chance to go to Hong Kong as well as the Port of Los Angeles and other ports throughout this country. But we saw in Hong Kong a system where they actually scanned every container. It was a very good system, by the way, in terms of getting a picture—I would call it kind of a moving CAT scan.

The Senator from Maine talked about the systems we have here—a very slow process. Literally, the container is in one place and the system goes over it. In Hong Kong, they have a system that scans on kind of—I would call it a moving CAT scan. The trucks come through, they never stop, they are rolling right through, and on each and every one of them there is a picture taken and you get a scan, and then there is a radiological detection device that is over that and it goes through and it is magnificent. I think some of my colleagues saw that and said: We have to have that right here, right now. That sounds wonderful.

It is important to note that, in fact, there are 40 lanes of traffic in Hong Kong, and only 2, only 2 have this system. So what we have in the underlying bill is an amendment that says we are going to set up a pilot project, and in that pilot project what we are going to do is we are going to test this system.

By the way, it is also important to note that of all the images we get, they are not processed. We have a library of images where, God forbid there was an attack, we could go back and pinpoint where it came from and not shut down every port. But there is no use of those images today. They are not being fed into Langley, they are not being fed into our intelligence system, they are not being fed into anything. So in the end, when the Senator from Maine talks about an integrated system, integration means not just integration of a standing image with a radiological detection device but integration of the information that is being gathered, which is substantial, to be used then in terms of our own analysis of what is in that cargo—does it represent high-risk, et cetera.

There is a great opportunity here, a great opportunity. But we are only at a point now where we have in one place in the world—we have two lanes of traffic that are using a system, and we now have the opportunity in this bill to get a pilot project, and I think it is magnificent. But there are also weaknesses we have which we then can address with this amendment, amendment No. 4982. What it says is—we kind of walked through and looked at what was in the bill, and we realized that, in operation, 100 percent of high-risk containers weren't being screened. This amendment says they will be. So every citizen out there should know that 100 percent of those containers which are identified as high risk will be screened, and that is important.

Then we go to the next step, and we do it in a responsible way. I have always believed that good policy is good politics. We do this in a good-policy way. We say that the Secretary shall ensure that 100 percent of the containers that have been identified as high risk are scanned before such containers leave a seaport facility. And then we say: The Secretary, in coordination with the Secretary of Energy and foreign partners, shall fully deploy integrated scanning systems to scan all containers entering the United States before such containers arrive in the United States as soon as the Secretary determines that—and this is the key—the integrated scanning system has a sufficiently low false alarm rate, is capable of being deployed and operated in ports overseas, meets certain requirements set forth in the statute—very basic requirements—does not significantly impact trade capacity and flow of cargo at foreign and U.S. ports.

So we have a system that says: OK, Mr. Secretary, this is what you have to do, because we want this system in place, but we want it to be done in a way that doesn't cripple the supply chain and that practically can be done. It is nice to be able to say we want 100 percent. I think we have about 704 operational seaports in 147 countries today, and we have a scanning system that is used in 2 lanes and one that is not even integrated into our entire system. We are not there yet. We want to get there. This amendment puts us on a course to get there.

Then, to make sure we are not simply leaving it to the discretion of the Secretary to say when he decides it should be done, we tell him to come back to us, to come back to our colleagues in Congress, and we want to know where you are. So it says that not later than 6 months—and the underlying pilot project requires the Secretary to come back—it is a 1-year pilot project—come back within 120 days with a report and tell us how the pilot project worked. And then this amendment says that not later than 6 months after the submission of this report and every 6 months thereafter, the Secretary shall submit a report to the appropriate congressional committees

describing the status of full-scale deployment under subsection B and the cost of deploying the system at each foreign port.

So what we have in place here is what I hope my colleagues on both sides of the aisle would say is the right way to go. We set in place a pilot project. We ask that the pilot project be evaluated. The Secretary is required to give us a report on how that pilot project is working, and then we tell the Secretary: Every 6 months, come back, because we want to know how close we are to getting to 100 percent scanning, how close we are and what else has to be done. It gives us the opportunity in a responsible way—a responsible way—to come back to see if we can put in place a system where we scan 100 percent. But scanning 100 percent on arbitrary deadlines, scanning 100 percent on impossible deadlines doesn't make any sense, and I am glad we are not at that point right now. We are at the point right now where we have in place the ability to significantly improve the level of safety and security in those 11 million cargo containers which are entering the United States.

We have an underlying bill that does a magnificent job of addressing weaknesses that have been identified, and now we will take care of them. We have an amendment in place that builds on a pilot project, and building on that pilot project puts certain obligations on the Department of Homeland Security to come back to us in Congress and tell us how you are doing, and if you are not moving quick enough, we will be on your case. We will be on your case. We know what the goal is, and we share a common vision, and we have now a responsible way of doing it. That will allow the free flow of commerce, will allow jobs to grow, giving people economic security at the same time that we protect national security.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I yield 6 minutes to the Senator from the New Jersey, Mr. MENENDEZ.

THE PRESIDING OFFICER. The Senator from New Jersey is recognized for 6 minutes.

Mr. MENENDEZ. Mr. President, I thank the Senator for yielding time.

After listening to this debate, I think my distinguished colleagues are talking about another pending amendment, not my amendment. My amendment is very clear and forthright. It asks for a plan to achieve 100 percent scanning—a plan.

Now, after listening to the debate, the reality is that after all of the items that were discussed, that still is only 1 percent scanning of 5 percent of the cargo. Let's not get confused. Words matter. There is a difference between screening and scanning.

Who in our country will be satisfied with a mathematical equation being used as the way in which we determine what 5 percent ultimately gets taken care of? What it still says, notwithstanding all those layers of security

that the distinguished Senator from Maine spoke about, is that still only has us reviewing 5 percent of the cargo. That is what it does. So who among us is willing to allow mathematical equations that are based upon information that can be either intentionally or unintentionally faulty to ultimately protect the ports of this country, the people who work there, the communities that surround them, and the commerce of the Nation? I wouldn't.

If Hong Kong can do this, the United States of America can do it. All we say is let's have the Department of Homeland Security develop a plan to achieve it. We do not insist on specific ways in which we do that. We allow them to develop the plan. But let's get to a plan for 100 percent of the cargo.

As for domestic, we say it will include benchmarks that they will determine in the plan for what type of cargo inspectors are inspecting here in the United States before they leave. It doesn't say specifically the amount, and as it relates to the loss of access to U.S. ports and fines, it says it may include such loss of access if we believe that is the way in which we should seek enforcement. It doesn't say "it shall." It says "it may."

At the end of the day, if we adopt the amendment of the Senator from Minnesota, we are still saying: OK, 5 percent is something we are willing to live with. At the end of the day, we do not move to a plan of 100 percent scanning of the Nation's cargo. Doesn't the Nation deserve a plan to get there, a plan that largely can be devised to ensure that both technological accomplishments, as well as security concerns, are brought together to achieve the goal? I think the Nation deserves a plan. So it is very important to understand that when we keep saying screen—screen means looking at a cargo manifest.

I had the Port of Elizabeth in Newark in what was my former congressional district for 13 years and dealt with them for quite a bit on a number of issues. Screening just means let's look at what is in that container. Let's see the list. Where is it coming from? What port is it coming from? Let's ultimately take all of that and put it in a mathematical equation and look at what is inside the cargo. But that is not scanning 100 percent of what comes into the Nation. Let America not be confused by that.

Also, this is about scanning it abroad. When we wait until it comes into a port of the United States, if it has a nuclear device in it, it is a little late. We need to be doing that scanning abroad.

I urge my colleagues to understand the difference between these amendments. Ours produces a plan to get us to 100 percent of scanning, and it gives flexibility for the Department to do so, but it does move us toward that ultimate goal.

With that, I yield the remainder of my time to the Senator from Washington, and I yield the floor.

The PRESIDING OFFICER. Who yields the floor?

Mrs. MURRAY. How much time is left on both sides?

The PRESIDING OFFICER. The minority has 8½ minutes, the majority has 2½.

Mrs. MURRAY. I yield the remainder of our time to the Senator from New Jersey, Mr. LAUTENBERG.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I rise to support the amendment brought by my colleague, Senator MENENDEZ, because I think it covers the bases we are concerned about. This amendment, very simply, demands accountability from the Bush administration on port security. The bill before us contains an amendment as well, that I authored in committee, to require 100 percent screening of containers coming into the United States. These containers would have to be screened before they are loaded on ships at a foreign port. I think that is the time to do it.

We have already seen attempts by the majority to downplay or even duck this requirement. I am not suggesting, in the interests of safety and security, that the Senator from Minnesota or the Senator from Maine is less concerned about the security or the safety of our people. But I am supporting the Menendez amendment because he gets specifically to the point, and I think the approach that we take is the strongest one and in the best interests of the American people.

We need the administration to tell the American people exactly how long it will take them to provide the security necessary to reach the level of a 100-percent screening requirement. Right now, as we all know, we only inspect around 5 percent of shipping containers coming into our country. Terrorists could smuggle weapons, nuclear or chemical weapons, into a harbor and potentially launch an attack even more devastating than the 9/11 attack we experienced.

I listened very carefully to Senator MENENDEZ review his amendment, and that is to get us to the 100 percent opportunity. The Senator from Minnesota says he believes there would be 100 percent screening. But that would come only after there have been paper documents saying what was being shipped was OK.

I ask you, would we take the most honest presentation of a clergyman, a doctor, a lawyer, a judge, or an individual and say: OK, that individual can bypass security at the airport? Not on your life. And we should not do it here.

Why do we want to put trust in a paper-laden system where the GAO says that many of the manifests and the documents for shipping cargo are unreliable, that they are not trustworthy. I think if we are really going to do the job people expect of us, we are going to have to try to get as quickly as we can to 100 percent screening. The amendment of Senator

MENENDEZ does absolutely that, so we ought not to tinker any further.

Are we really serious about getting to the end of the game, protecting our citizens as much as we can? Then we have to do it by a 100-percent screening. What we are not saying is do it overnight or do it by next week or next month. But we are saying: Give us the plan, Mr. President and this administration, on how you expect to do this.

We have to remember one thing: Senator MENENDEZ has, in his former territory, in his former constituency, the second largest port in the country; the New York-New Jersey Harbor is just that. He has worked with people who run the cargo operations. He knows the people who are terminal operators. He is very conscious of what it takes to protect ourselves to the last detail that we can.

I believe we have to be in support of the Menendez amendment that says: OK, come on, tell us what it is that you plan to do to protect the people of America in a way that gives us comfort—not 1 out of 20 cargo containers that arrive that might be supported by a paper manifest that doesn't mean an awful lot because there is plenty of opportunity to tinker with that cargo container before it leaves the shore unless we have scanned it at the last moment possible.

I urge our colleagues to support the Menendez amendment. Let's not waste any more of the time that the people of America need to feel secure about those ships that enter our harbors bringing goods into this country.

I yield whatever time there is back to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, how much time is remaining on the majority side?

The PRESIDING OFFICER. There remains 2½ minutes.

Mr. COLLINS. I yield 1½ minutes to the Senator from Minnesota, and I retain a minute for myself.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I say to my colleagues listening, the difference between the Menendez amendment and mine is America doesn't need another plan. There are some technical infirmities. There are some questions about what it may do in terms of our relations with other countries. Put all that aside. We don't need another plan. We need action. Maybe it is the ex-mayor in me. The underlying bill and the pilot project and the Coleman amendment will provide action. They put in place a pilot project to test how 100 percent scanning can work, and then it directs the Secretary to fully deploy, with a series of steps put in front of him, and then requires him to come back to Congress. It is not about planning, it is about action.

The American public wants action. We are giving the action. We are strengthening our port security. We

are putting in place a pilot project. We are directing the Secretary to ensure there is 100 percent screening of every high-risk container, and then requiring him to fully deploy an integrated scanning system 100 percent, lays out the conditions, and has him report back to us.

I am not sure we can do any better today based on the technology we now have.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, if you think about it, those who are advocating that we go to 100 percent scanning prior to having the technology in place to do it efficiently without slowing down trade are, in fact, rejecting the whole notion of the C-TPAT Program. Why should a shipper, retailer or manufacturer, secure its supply chain from end to end if they are going to be subjected to the same kinds of inspection as a shipper who has high-risk cargo in an unsecured supply chain? That doesn't make any sense at all. It completely undermines the C-TPAT Program, the container security initiative, because it embraces the concept that all cargo is alike. It is not all alike. There are low-risk containers.

I think we should think very carefully about the implications of this amendment. I think Senator COLEMAN has come up with an excellent amendment. He has done a great deal of work, and I urge my colleagues to support the Coleman-Collins-Stevens amendment and to vote against the amendment of the Senator from New Jersey.

The PRESIDING OFFICER. The time of the majority has expired. The Senator from Washington.

Mrs. MURRAY. I believe there is 3 minutes left on our side.

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. I yield to the Senator from New Jersey however much time he needs.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the Senator from Washington.

I listened very carefully to what our colleagues on the other side of the aisle have said. I wonder about why it is we are defending a voluntary system, of sorts, that raises the question about why a shipper would waste any time tracing the source of the product if they are going to be inspected again. What are we doing? Are we saying the question is whether we trust the shipper? That is not the position we take at all.

The position we take, that the amendment of Senator MENENDEZ takes, is tell us when you are going to have 100 percent security. That is the right objective. We know that it works. We know in Hong Kong they can process a scan of a cargo container in something around 2 minutes at an average cost of about \$8. Is it not worth it? We pass the cost along to the shipper. That is their cost, not the American taxpayer's cost.

As regards relying on paperwork to give us a head's up as to whether that cargo should be inspected, GAO has found that shipping documents are one of the least reliable sources of information that Customs collects.

One audit pre-9/11 showed that over 60 percent of these documents had major discrepancies. So who are we trying to defend? Are we trying to defend the well-being of the American people, of the economy that relies so much on harbor activity, on imported goods, or are we trying to satisfy an industrial perspective that says don't take the time, don't do that, let's trust, right now, 95 percent of the cargo that comes in here as being safe to reach our shores.

I do not think that is a very good way for us to be reacting when everyone is so concerned about another terrorist attack, something that everybody is concerned about, a repetition of something that resembles 9/11, or even worse.

The best thing to do is stick to our guns and say that we want to see 100 percent of those cargo containers scanned so we know what is in there. After it has been closed up, after everything else has been done, the paper manifest is still there, and whether they are exactly precise would not matter. We will know what is in that cargo container, and we will be able to protect the American people as we should.

I, once again, hope Members will reject the amendment and support Senator MENENDEZ's amendment.

Ms. COLLINS. Mr. President, I ask for the yeas and nays on the Coleman amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays on the Menendez amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the Coleman amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—95

Alexander	Bunning	Collins
Allard	Burns	Conrad
Allen	Burr	Cornyn
Baucus	Byrd	Craig
Bayh	Cantwell	Crapo
Bennett	Carper	Dayton
Biden	Chambliss	DeMint
Bingaman	Clinton	DeWine
Bond	Coburn	Dodd
Boxer	Cochran	Dole
Brownback	Coleman	Domenici

Dorgan	Kohl	Roberts
Durbin	Kyl	Rockefeller
Ensign	Landrieu	Salazar
Enzi	Leahy	Santorum
Feingold	Levin	Sarbanes
Feinstein	Lieberman	Sessions
Frist	Lincoln	Shelby
Graham	Lott	Smith
Grassley	Lugar	Snowe
Gregg	Martinez	Specter
Hagel	McCain	Stabenow
Harkin	McConnell	Stevens
Hatch	Mikulski	Sununu
Hutchison	Murkowski	Talent
Inhofe	Murray	Thomas
Inouye	Nelson (FL)	Thune
Isakson	Nelson (NE)	Vitter
Jeffords	Obama	Voivovich
Johnson	Pryor	Warner
Kennedy	Reed	Wyden
Kerry	Reid	

NAYS—3

Lautenberg	Menendez	Schumer
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NOT VOTING—2

Akaka	Chafee
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The amendment (No. 4982) was agreed to.

Mr. COLEMAN. I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4999

The PRESIDING OFFICER. There is 2 minutes equally divided on the Menendez amendment.

The Senator from Maine.

Ms. COLLINS. Mr. President, we just agreed to an amendment that will require 100 percent scanning of high-risk containers and put us on the path to having 100 percent scanning of containers, once it is feasible, once the technology is there.

I am concerned about the amendment of the Senator from New Jersey. I don't think it has the kind of thought in it that was in the Coleman amendment. There are two provisions, in particular, that concern me.

One, it requires a plan for scanning containers that are going out of U.S. ports. That is going to slow down trade incredibly and will be a real problem for our farmers who are exporting their crops.

Second, it has a provision requiring consequences to be imposed on foreign ports or U.S. ports that do not meet the benchmarks described in the plan, which may include a loss of access to U.S. ports and fines. This will lead to retaliation by foreign ports.

I urge our colleagues to oppose the amendment.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 minute.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to add Senator LAUTENBERG as a cosponsor to the amendment.

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

Mr. MENENDEZ. Mr. President, with reference to the concerns the Senator from Maine raised, let me just say the amendment we just adopted says we are going to scan 100 percent of the

containers that have been identified as high risk before they leave the United States. So that is the very essence of what we seek to do as well.

Secondly, the only amendment before the Senate that will move us to a plan to get to 100 percent scanning of all cargo in this country is the amendment presently before the Senate.

If you want to continue to allow a mathematical equation to determine how we inspect only 5 percent of the cargo in this country, then that is what you just accomplished. If you want to move toward a plan to get 100 percent scanning of all the cargo that comes into this country, giving the Department of Homeland Security the opportunity to develop such a plan, then this amendment is the one you want to vote for.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Rhode Island (Mr. CHAFEE).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—43

Baucus	Feinstein	Murray
Bayh	Harkin	Nelson (FL)
Biden	Inouye	Obama
Bingaman	Jeffords	Pryor
Boxer	Johnson	Reed
Byrd	Kennedy	Reid
Cantwell	Kerry	Rockefeller
Carper	Kohl	Salazar
Clinton	Lautenberg	Sarbanes
Conrad	Leahy	Schumer
Dayton	Levin	Stabenow
Dodd	Lieberman	Talent
Dorgan	Lincoln	Talbot
Durbin	Menendez	Wyden
Feingold	Mikulski	

NAYS—55

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

NOT VOTING—2

Akaka Chafee

The amendment (No. 4999) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

AMENDMENT NO. 4958

Mrs. CLINTON. Mr. President, I call up pending amendment No. 4958, and I ask for the yeas and nays.

The PRESIDING OFFICER. The amendment is now pending. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Montana is recognized.

UNANIMOUS CONSENT REQUEST—H.R. 4096

Mr. BAUCUS. Mr. President, I wish to read a letter I just received today from a representative of an American company that employs millions of workers, including hundreds in my home State of Montana.

He writes:

As one of the Nation's largest employers of people coming off welfare, we have kept our end of the bargain and continued hiring throughout this year with the understanding that the Work Opportunity and Welfare to Work tax credits would be extended.

He continues:

We now face a significant increase in our tax liability and will have to book corresponding losses to our profitability unless you act now. The ongoing frustration is taking its toll on us.

Indeed, the frustration over the 2005 expired tax incentives is taking its toll on millions of Americans.

This letter is from the parent company of T.J. Maxx, Marshalls, HomeGoods, A.J. Wright, and Bob's Stores. That company likely has stores in each State in the Union and each congressional district. These are real people, real jobs, and real money on the line. Yet some of my colleagues on the other side of the aisle have taken these popular tax credits hostage. In fact, some have openly referred to these credits as "hostages." Some have said that sometimes you have to kill hostages to be taken seriously. It is time that we end these threats and get back to the business of legislating.

Let me remind everyone how many times these popular tax cuts have been set aside. We first passed them as part of the tax reconciliation bill last November. They passed this body, but they were set aside in order to accommodate provisions in that tax bill that were expiring, not in 2005 but expiring 4 years later in 2009. Then we were promised they would surely be included in the pension conference, the next tax vehicle. Once again, they were pulled out at the last moment after weeks of negotiations and haggling.

The package we are discussing is a compromise package. It passed the House. It does not include everything I would want, but it is what we agreed to months ago, and it is what we should have enacted months ago.

This package includes the research and development tax credit. I remind my colleagues that companies are now beginning to restate their financials. Why? Because Congress has not extended the R&D tax credit that expired at the end of last year. We have letters from companies saying they have to restate, but they had the R&D credit in the past. They have to start restating their financials. It is not in the law now. If we were going to extend it, we

should have extended it a long time ago.

The package includes the deduction for schoolteachers who buy supplies for their students. Of all things to give our teachers. Think of them, who buy supplies for their students. They are supposed to get a deduction. It expired last year. My Lord, here we are already at the beginning of the school year and the deduction is not there for them.

The package includes the tuition deduction for college students trying to go back to school. It includes the deduction for State and local sales taxes. Just think. And it includes other widely supported tax cuts.

If we do not enact these provisions, then millions of Americans will have their taxes increased. This Congress has been zealous in preventing tax increases several years into the future. We ought to prevent these tax increases which are happening today.

I urge my colleagues to pass a clean, retroactive extension, back to the end of 2005, of these popular credits for businesses, schoolteachers, employers who hire welfare workers, and all the people who are depending on us to do the right thing. Let us end the frustration today.

Mr. President, this amendment has more than 30 cosponsors. I imagine there would be many more if we asked them. I ask unanimous consent that Senators BINGAMAN, FEINSTEIN, and KENNEDY be added as cosponsors. I also ask unanimous consent that Senator OBAMA, Senator REED from Rhode Island, Senator AKAKA, and Senator INOUE be added as cosponsors.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 326, H.R. 4096; that the Senate adopt my amendment that is at the desk, the substance of which is the agreed-upon tax extender package; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; that the Senate return to the port security bill; and that all this occur without intervening action.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, the issue before us is an issue we have addressed on the floor of the Senate. Republicans felt very strongly that these tax extenders need to be extended and brought them to the floor prior to our recess. Yes, they were coupled with two other issues, one of which was a permanent solution to the death tax, which is a fair thing to do, overwhelmingly supported by the majority of the people, and an increase in the minimum wage by 40 percent, something that I feel strongly that we are in a position to do.

We took those issues to the floor. The bill was defeated by the other side

of the aisle. Again, it was very unfortunate. It was referred to as the so-called trifecta bill. I did switch my vote at that time, and it may well be that over the next couple of weeks, if we can continue to build support for these issues, we can bring that bill back to the floor.

Thus, at this juncture, instead of breaking those bills up, we are going to keep those bills together, and thus I object.

The PRESIDING OFFICER. Objection has been heard.

Mr. BAUCUS. Mr. President, before the Senator objects, may I make one comment?

The PRESIDING OFFICER. An objection has been heard on the floor.

Mr. BAUCUS. I ask to have the floor.

The PRESIDING OFFICER. The Senator has the floor.

Mr. BAUCUS. Mr. President, I appreciate the views of the majority leader. I must remind all of our colleagues that we have been down that road a couple of times and that, in my judgment, they are not going to fly.

I support the provisions that are in that package. This Senate has voted a couple of times, and it is my strongly held view in talking with Senators that it just is not going to get passed. In the meantime, it is important to get something passed that is so important to so many people.

I hear what the majority leader is saying, but it is my judgment that sometimes it is better to go on and do legislation that can get enacted and not stick around and try to delude ourselves into passing bills that cannot get passed. That is why I am bringing this up today, because we can get this passed today, I am quite confident. Regrettably, the provisions the majority leader mentioned cannot be passed, and therefore we should not delay the passage of something that is so important to so many people.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I appreciate the comments of my distinguished colleague. Time is very short, I understand. That is why my colleague brings it to the floor now, because it is very important that we extend these tax provisions—sales tax, college tuition, and the R&D tax credit. It is very important. That is really the reason I took a bill I know my colleague supports, and that is a permanent solution to the death tax—maybe not exactly the way it is now, but he is somebody who supported that cause. Indeed, it has the majority support of the United States of America. It is the right thing to do. The minimum wage, again, I think is something that is broadly supported by the American people. And then the tax extenders. All three are broadly supported.

The benefit is, if we can build that support and have it reflected on this floor—that is really on the Senator's side of the aisle—that would be the law of the land because it has already passed the House of Representatives. If

we were to vote on these today, it would be signed by the President 3 days from now. That means people's minimum wage would go up 40 percent, the tax extenders would be done because it wouldn't have to go back to the House and it would be done 3 days from now, and we would have a permanent solution to the death tax, which is a fair and right thing to do.

I am going to preserve that option for now. I appreciate my colleague's support because I think he probably does individually support each of those three issues.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, for the benefit of my colleagues, I want to explain how we are going to proceed. Obviously, Senator BAUCUS made his unanimous consent request. I didn't anticipate that when we were ordering the speakers earlier. We are going to go to Senator SANTORUM for the purpose of an amendment, but he will only take 3 minutes, and then we are going to go to Senator OBAMA for his amendment, and then I am going to propose on behalf of Senator VOINOVICH an amendment he has worked out with the Presiding Officer.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 4990

(Purpose: To provide for comprehensive border security, and for other purposes.)

Mr. SANTORUM. Mr. President, I call up amendment No. 4990 and ask for its consideration.

The PRESIDING OFFICER. Is there objection to the pending amendment being set aside? Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 4990.

Mr. SANTORUM. 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. SANTORUM. President, I rise today to offer an amendment that I believe offers us an opportunity to secure our borders now. My bill takes a first-things-first approach and recognizes that it is imperative that we secure our borders now. This first step cannot—and should not have to—wait for a "comprehensive" solution. Once we secure our borders, we can look at all of the other illegal immigration related issues that remain. There is a bipartisan consensus on what needs to be done on border security and the provisions that make up this consensus. We should not hold our border security hostage to a broader initiative.

My amendment will significantly increase the assets available for controlling our borders. It provides more inspectors, more marshals, and more bor-

der patrol agents on both the northern and southern borders. It provides new aerial vehicles and virtual fencing—camera, sensors, satellite and radar coverage, etc. It increases our surveillance assets and their deployment and provides for new checkpoints and ports of entry. It includes Senator SESSIONS' amendment for greater fencing along our southern border, including 370 miles of triple-layered fencing and 500 miles of vehicle barriers. It also provides for the acquisition of more helicopters, powerboats, motor vehicles, portable computers, radio communications, hand-held global positioning devices, night vision equipment, body armor, weapons, and detention space.

While we know these resources will be critical improvements, it does not just throw resources at the problem. My amendment requires a comprehensive national strategy for border security, surveillance, ports of entry, information exchange between agencies, increasing the capacity to train border patrol agents and combating human smuggling. It enhances initiatives on biometric data, secure communications for border patrol agents, and document fraud detection. It includes Senator ENSIGN's language to temporarily deploy the National Guard to support the border patrol in securing our southern land border. Additionally, it increases punishment for the construction of border tunnels or passages.

When our borders are not secure, it is our cities and counties that are on the front lines, particularly those closest to the borders. Unfortunately, the negative impacts of illegal immigration are not limited to our border towns. Recently I worked with communities in southeastern Pennsylvania—Allentown, Easton, Bethlehem, Reading and Lancaster—as well as the U.S. Attorney for the Eastern District of Pennsylvania, Pat Meehan, to get one of the six recent Anti-Gang Initiative grants given by the Department of Justice. This area, called the Route 222 Corridor, was the only nonmetropolitan area to receive one of the \$2.5 million grants to combat growing criminal activity in part because of illegal immigrants. However, I raise this issue here because U.S. Attorney Meehan's letter explains this issue very succinctly. He stated "[e]ach city is seeing extensive Latino relocation to its poorer neighborhoods and housing projects. Once largely Puerto Rican, the minority populations are increasingly from Central America. Simultaneously, Mexican workers migrate to the agricultural areas around Lancaster, creating a southern link to criminal networks. The urban core is therefore transient, poor, non-English speaking and often undocumented . . . In this fertile environment, the Latin Kings, Bloods, NETA, and lately, MS-13, are recruiting or fighting with local gangs for control of the drug markets. Violence is a daily by-product."

My amendment provides relief for cities, counties, and States dealing

with increased costs because of illegal immigration—specifically those caused by the criminal acts of illegal immigrants. There are four programs included in my amendment to address these issues. First, there are grants to law enforcement agencies within 100 miles of the Canadian or Mexican borders or such agencies where there is a lack of security and a rise in criminal activity because of the lack of border security, including a preference for communities with less than 50,000 people. Second, local governments can be reimbursed for costs associated with processing criminal illegal aliens such as indigent defense, criminal prosecution, translators, and court costs. Third, State and local law enforcement agencies can be reimbursed for expenses incurred in the detention and transportation of an illegal alien to Federal custody. Finally, reimbursements are available for costs incurred in prosecuting criminal cases that were federally initiated but where the Federal entity declined to prosecute. In addition, my bill requires the Secretary of Homeland Security to provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department, and that the Secretary designate at least one Federal, State, or local facility in each State as the central facility to transfer custody to the Department of Homeland Security.

This amendment also expedites the removal of criminal aliens from correctional facilities and expands border security programs through the Department of Commerce such as the Carrier Initiative, the Americas Counter Smuggling Initiative, the Container Security Initiative, and the Free and Secure Trade Initiative.

Throughout this debate, I have consistently stated that the first thing we must do is secure our Nation's borders. While the House and Senate are working to come to an agreement on the broader issues in an immigration bill, I am here to offer the Senate an opportunity to secure our borders now by adopting my Border Security First Amendment. Our borders must be secured now—not later. In the post 9/11 world we live in, our national security depends on our border security. We need to know who is coming into our country, where they are from, and what they are doing here. We must put first things first—we must secure our Nation's borders. I hope that my Senate colleagues will join me in recognizing the urgency of this amendment.

Again, I offer this amendment because I wish to make a point. The point is, we are talking about port security, and that is very important. But what I hear when I go home is not about port security, I hear about border security over and over again. If there is one issue people come up to me and talk to me about without fail, no matter what part of the State I am in, it is: What

are you folks going to do about securing our borders?

We passed a bill in the Senate that is not going anywhere in the House of Representatives. It doesn't seem to be going anywhere in conference right now. What we should do and what the people in America would like us to do is to secure the borders first.

This amendment does just that. It is all the provisions in the Senate-passed bill that deal just with border security. If you want to talk about securing this country—and that is what this bill is about—border security is a national security issue, it is an economic security issue, and it also has to do with who we are as a country and our ability to sustain our culture.

This is an important amendment. I know this is not going to be germane postcloture, and we are going to have a cloture vote tomorrow morning. So I will not pursue it further because I am told I cannot get a vote on it. I bring this up because this is what we need to do between now and the end of this month before we recess. We need to pass a bill that secures our borders and tells the American people that we get it in Washington as to what the priorities are. There are other things we need to do, I understand that, but this is what we need to do and do first.

AMENDMENT NO. 4990, WITHDRAWN

Mr. President, I ask unanimous consent that the amendment be withdrawn.

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

The PRESIDING OFFICER. The Senator from Illinois.

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

The PRESIDING OFFICER. The Clinton amendment.

Mr. OBAMA. I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 4972, AS MODIFIED

Mr. OBAMA. Mr. President, I call up amendment No. 4972, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA] proposes an amendment numbered 4972, as modified.

Mr. OBAMA. 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 as follows:

(Purpose: To ensure the evacuation of individuals with special needs in times of emergency)

On page 87, after line 18, add the following:  
**SEC. 407. EVACUATION IN EMERGENCIES.**

(a) PURPOSE.—The purpose of this section is to ensure the preparation of communities for future natural, accidental, or deliberate disasters by ensuring that the States prepare for the evacuation of individuals with special needs.

(b) EVACUATION PLANS FOR INDIVIDUALS WITH SPECIAL NEEDS.—The Secretary, acting through the Federal Emergency Management Agency shall take appropriate actions to ensure that each State, as that term is defined in section 2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)), requires appropriate State and local government officials to develop detailed and comprehensive pre-disaster and post-disaster plans for the evacuation of individuals with special needs, including the elderly, disabled individuals, low-income individuals and families, the homeless, and individuals who do not speak English, in emergencies that would warrant their evacuation, including plans for the provision of food, water, and shelter for evacuees.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report setting forth, for each State, the status and key elements of the plans to evacuate individuals with special needs in emergencies that would warrant their evacuation.

(2) CONTENTS.—The report submitted under paragraph (1) shall include a discussion of—

(A) whether the States have the resources necessary to implement fully their evacuation plans; and

(B) the manner in which the plans of the States are integrated with the response plans of the Federal Government for emergencies that would require the evacuation of individuals with special needs.

Mr. OBAMA. Mr. President, I rise today to offer an amendment that would supplement the steps we are taking through this port security bill and increase our preparedness for a potential terrorist attack. My amendment is fairly modest. It requires FEMA to mandate that each State have a plan for the evacuation of individuals with special needs during times of emergency. Such plans would include an explanation of how these people—particularly low-income individuals and families, the elderly, the disabled, and those who cannot speak English—will be evacuated out of the emergency area and how the States will provide shelter, food, and water to these people once evacuated.

This amendment was included in S. 1725 and passed out of the Homeland Security and Governmental Affairs Committee in September of 2005.

This amendment obviously grows out of the tragedy of Hurricane Katrina, which devastated the gulf coast a little more than a year ago. One of the most striking aspects of the devastation caused by Katrina is the majority of stranded victims who were our society's most vulnerable members. As I indicated, after the tragedy, I think the government officials who called for the evacuation of the gulf coast—and this is true not just for Federal folks but also State and local officials—seemed to assume that all residents could pack up their families into an SUV, fill up the gas tank, drive out of town, and find a hotel in which to ride out the storm. As we learned, that was not the case. Many people were forced to find shelter in the Superdome or convention center because they did not own cars. They didn't have the money for a tank of gas or a hotel room. They

might not have wanted to leave their jobs or their belongings. Maybe they were in nursing homes or maybe they misunderstood the warnings because they didn't speak English. Whatever the reasons, thousands of people were not evacuated, and we saw the horrific results of that mistake.

This failure to evacuate so many of the most desperate citizens in the gulf coast could easily happen again if we are faced with another natural disaster such as Katrina or a terrorist attack that struck one of our cities. That is why I have come to the floor to offer this amendment. Our charge as public servants is to worry about all people. I was troubled that our emergency response and disaster plans were inadequate for large segments of the gulf coast. I have serious doubts at this point whether the plans in other regions are adequate as well. Perfect evacuation planning is obviously not possible, but greater advanced preparation can ensure the most vulnerable are not simply forgotten or ignored.

Even the Department of Homeland Security recognizes the urgent need for action, and the Department's nationwide plan review published this June found:

Significant weaknesses in evacuation planning are an area of profound concern.

Congress can and should act to address this concern by passing this amendment. I hope my colleagues will support this amendment which, as I said, passed the Homeland Security Committee on a bipartisan basis.

Mr. President, I ask unanimous consent that Senator SALAZAR be added as a cosponsor.

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

Mr. OBAMA. Mr. President, I yield the floor.

Mr. GREGG. Mr. President, I understand the Senator from Maine is going to proceed with an amendment, but I ask unanimous consent that at the conclusion of her proceedings for the amendment, I be recognized to speak on the pending legislation.

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

Ms. COLLINS. Mr. President, first I would inquire through the Chair of the Senator from Illinois whether he has modified his amendment. I didn't hear a request that it be modified.

The PRESIDING OFFICER. The amendment was called up as modified.

Ms. COLLINS. I appreciate the clarification.

Mr. President, this proposal of the Senator from Illinois is very similar to a provision of the post-Katrina Stafford Act reforms that were reported by the Homeland Security Committee. The Senator from Illinois is absolutely right that we need to do a far better job in this country of developing comprehensive plans for the evacuation of individuals with special needs before, during, and after a disaster.

When we look at the experience with Hurricane Katrina, what we find is

those who were left behind were predominantly elderly and disabled. Those were the characteristics that caused people to not be able to evacuate. Another factor was they tended to be lower income individuals, too. But the disabled individuals of the area, in Louisiana in particular, also actually had the experience of going to Red Cross shelters and being turned away, which is something I have discussed with the Red Cross.

So I think it is a good idea to require State and local governments to develop these kinds of plans, and I am happy to accept the amendment. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. OBAMA. Mr. President, I thank Chairman COLLINS for supporting this amendment. I very much appreciate her remarks.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 4972), as modified, was agreed to.

Ms. COLLINS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Ms. COLLINS. Mr. President, I ask unanimous consent that it be in order to reconsider the vote on the Menendez amendment No. 4999 at this time.

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

Ms. COLLINS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 4962, AS MODIFIED

Ms. COLLINS. Mr. President, I send to the desk a modified amendment of the Senator from Ohio, Mr. VOINOVICH.

The PRESIDING OFFICER. Without objection, it is so ordered, and the pending amendments are set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. VOINOVICH, for himself and Mrs. CLINTON, and Ms. LANDRIEU, proposes an amendment numbered 4962, as modified.

Ms. COLLINS. 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, as modified, is as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . PROTECTION OF HEALTH AND SAFETY DURING DISASTERS.

(a) PROTECTION OF HEALTH AND SAFETY OF INDIVIDUALS IN A DISASTER AREA.—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by inserting after section 408 the following:

#### “SEC. 409. PROTECTION OF HEALTH AND SAFETY OF INDIVIDUALS IN A DISASTER AREA.

“(a) DEFINITIONS.—In this section:

“(1) CERTIFIED MONITORING PROGRAM.—The term ‘certified monitoring program’ means a medical monitoring program—

“(A) in which a participating responder is a participant as a condition of the employment of such participating responder; and

“(B) that the Secretary of Health and Human Services certifies includes an adequate baseline medical screening.

“(2) HIGH EXPOSURE LEVEL.—The term ‘high exposure level’ means a level of exposure to a substance of concern that is for such a duration, or of such a magnitude, that adverse effects on human health can be reasonably expected to occur, as determined by the President in accordance with human monitoring or environmental or other appropriate indicators.

“(3) INDIVIDUAL.—The term ‘individual’ includes—

“(A) a worker or volunteer who responds to a disaster, either natural or manmade, involving any mode of transportation in the United States or disrupting the transportation system of the United States, including—

“(i) a police officer;

“(ii) a firefighter;

“(iii) an emergency medical technician;

“(iv) any participating member of an urban search and rescue team; and

“(v) any other relief or rescue worker or volunteer that the President determines to be appropriate;

“(B) a worker who responds to a disaster, either natural or manmade, involving any mode of transportation in the United States or disrupting the transportation system of the United States, by assisting in the cleanup or restoration of critical infrastructure in and around a disaster area;

“(C) a person whose place of residence is in a disaster area, caused by either a natural or manmade disaster involving any mode of transportation in the United States or disrupting the transportation system of the United States; and

“(D) a person who is employed in or attends school, child care, or adult day care in a building located in a disaster area, caused by either a natural or manmade disaster involving any mode of transportation in the United States or disrupting the transportation system of the United States, of the United States; and

“(E) any other person that the President determines to be appropriate.

“(4) PARTICIPATING RESPONDER.—The term ‘participating responder’ means an individual described in paragraph (3)(A).

“(5) PROGRAM.—The term ‘program’ means a program described in subsection (b) that is carried out for a disaster area.

“(6) SUBSTANCE OF CONCERN.—The term ‘substance of concern’ means a chemical or other substance that is associated with potential acute or chronic human health effects, the risk of exposure to which could potentially be increased as the result of a disaster, as determined by the President, in coordination with ATSDR and EPA, CDC, NIH, FEMA, OSHA, and other agencies.

“(b) PROGRAM.—

“(1) IN GENERAL.—If the President determines that 1 or more substances of concern are being, or have been, released in an area declared to be a disaster area under this Act and disrupts the transportation system of the United States, the President may carry out a program for the coordination and protection, assessment, monitoring, and study of the health and safety of individuals with high exposure levels to ensure that—

“(A) the individuals are adequately informed about and protected against potential health impacts of any substance of concern and potential mental health impacts in a timely manner;

“(B) the individuals are monitored and studied over time, including through baseline and followup clinical health examinations, for—

“(i) any short- and long-term health impacts of any substance of concern; and

“(ii) any mental health impacts;

“(C) the individuals receive health care referrals as needed and appropriate; and

“(D) information from any such monitoring and studies is used to prevent or protect against similar health impacts from future disasters.

“(2) ACTIVITIES.—A program under paragraph (1) may include such activities as—

“(A) collecting and analyzing environmental exposure data;

“(B) developing and disseminating information and educational materials;

“(C) performing baseline and followup clinical health and mental health examinations and taking biological samples;

“(D) establishing and maintaining an exposure registry;

“(E) studying the short- and long-term human health impacts of any exposures through epidemiological and other health studies; and

“(F) providing assistance to individuals in determining eligibility for health coverage and identifying appropriate health services.

“(3) TIMING.—To the maximum extent practicable, activities under any program carried out under paragraph (1) (including baseline health examinations) shall be commenced in a timely manner that will ensure the highest level of public health protection and effective monitoring.

“(4) PARTICIPATION IN REGISTRIES AND STUDIES.—

“(A) IN GENERAL.—Participation in any registry or study that is part of a program carried out under paragraph (1) shall be voluntary.

“(B) PROTECTION OF PRIVACY.—The President shall take appropriate measures to protect the privacy of any participant in a registry or study described in subparagraph (A).

“(C) PRIORITY.—

“(i) IN GENERAL.—Except as provided in clause (ii), the President shall give priority in any registry or study described in subparagraph (A) to the protection, monitoring and study of the health and safety of individuals with the highest level of exposure to a substance of concern.

“(ii) MODIFICATIONS.—Notwithstanding clause (i), the President may modify the priority of a registry or study described in subparagraph (A), if the President determines such modification to be appropriate.

“(5) COOPERATIVE AGREEMENTS.—

“(A) IN GENERAL.—The President may carry out a program under paragraph (1) through a cooperative agreement with a medical institution, including a local health department, or a consortium of medical institutions.

“(B) SELECTION CRITERIA.—To the maximum extent practicable, the President shall select, to carry out a program under paragraph (1), a medical institution or a consortium of medical institutions that—

“(i) is located near—

“(I) the disaster area with respect to which the program is carried out; and

“(II) any other area in which there reside groups of individuals that worked or volunteered in response to the disaster; and

“(ii) has appropriate experience in the areas of environmental or occupational health, toxicology, and safety, including experience in—

“(I) developing clinical protocols and conducting clinical health examinations, including mental health assessments;

“(II) conducting long-term health monitoring and epidemiological studies;

“(III) conducting long-term mental health studies; and

“(IV) establishing and maintaining medical surveillance programs and environmental exposure or disease registries.

“(6) INVOLVEMENT.—

“(A) IN GENERAL.—In carrying out a program under paragraph (1), the President shall involve interested and affected parties, as appropriate, including representatives of—

“(i) Federal, State, and local government agencies;

“(ii) groups of individuals that worked or volunteered in response to the disaster in the disaster area;

“(iii) local residents, businesses, and schools (including parents and teachers);

“(iv) health care providers; and

“(v) other organizations and persons.

“(B) COMMITTEES.—Involvement under subparagraph (A) may be provided through the establishment of an advisory or oversight committee or board.

“(7) PRIVACY.—The President shall carry out each program under paragraph (1) in accordance with regulations relating to privacy promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note; Public Law 104-191).

“(8) EXISTING PROGRAMS.—In carrying out a program under paragraph (1), the President may—

“(A) include the baseline clinical health examination of a participating responder under a certified monitoring programs; and

“(B) substitute the baseline clinical health examination of a participating responder under a certified monitoring program for a baseline clinical health examination under paragraph (1).

“(c) REPORTS.—Not later than 1 year after the establishment of a program under subsection (b)(1), and every 5 years thereafter, the President, or the medical institution or consortium of such institutions having entered into a cooperative agreement under subsection (b)(5), may submit a report to the Secretary of Homeland Security, the Secretary of Health and Human Services, the Secretary of Labor, the Administrator of the Environmental Protection Agency, and appropriate committees of Congress describing the programs and studies carried out under the program.”

(b) NATIONAL ACADEMY OF SCIENCES REPORT ON DISASTER AREA HEALTH AND ENVIRONMENTAL PROTECTION AND MONITORING.—

(1) IN GENERAL.—The Secretary, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency shall jointly enter into a contract with the National Academy of Sciences to conduct a study and prepare a report on disaster area health and environmental protection and monitoring.

(2) PARTICIPATION OF EXPERTS.—The report under paragraph (1) shall be prepared with the participation of individuals who have expertise in—

(A) environmental health, safety, and medicine;

(B) occupational health, safety, and medicine;

(C) clinical medicine, including pediatrics;

(D) environmental toxicology;

(E) epidemiology;

(F) mental health;

(G) medical monitoring and surveillance;

(H) environmental monitoring and surveillance;

(I) environmental and industrial hygiene;

(J) emergency planning and preparedness;

(K) public outreach and education;

(L) State and local health departments;

(M) State and local environmental protection departments;

(N) functions of workers that respond to disasters, including first responders;

(O) public health and family services.

(3) CONTENTS.—The report under paragraph (1) shall provide advice and recommendations regarding protecting and monitoring the health and safety of individuals potentially exposed to any chemical or other substance associated with potential acute or chronic human health effects as the result of a disaster, including advice and recommendations regarding—

(A) the establishment of protocols for monitoring and responding to chemical or substance releases in a disaster area to protect public health and safety, including—

(i) chemicals or other substances for which samples should be collected in the event of a disaster, including a terrorist attack;

(ii) chemical- or substance-specific methods of sample collection, including sampling methodologies and locations;

(iii) chemical- or substance-specific methods of sample analysis;

(iv) health-based threshold levels to be used and response actions to be taken in the event that thresholds are exceeded for individual chemicals or other substances;

(v) procedures for providing monitoring results to—

(I) appropriate Federal, State, and local government agencies;

(II) appropriate response personnel; and

(III) the public;

(vi) responsibilities of Federal, State, and local agencies for—

(I) collecting and analyzing samples;

(II) reporting results; and

(III) taking appropriate response actions; and

(vii) capabilities and capacity within the Federal Government to conduct appropriate environmental monitoring and response in the event of a disaster, including a terrorist attack; and

(B) other issues specified by the Secretary, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

Ms. COLLINS. Mr. President, as the Presiding Officer is well aware, this reflects an agreement between the Senator from Oklahoma and the Senator from Ohio. It is my understanding that it has been cleared on both sides, and I ask for its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 4962), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I rise to congratulate the Senator from Maine, the Senator from Alaska, the Senator from Iowa, and the ranking members of those committees—Finance, Commerce, and Homeland Security—for bringing forward this extremely important piece of legislation relative to port security. It has a lot of the initiatives in it that are necessary to be sure we move forward with a legal framework which will allow us to secure our ports.

But I did want to make these points about what we have already done and

what we are doing, even though we may not have had the actual authorization language in place, because I think people listening to this debate may presume: Well, because they are actually debating this language, maybe nothing has been done on this point or on that point which has been raised, such as monitoring, such as Coast Guard enhancement, such as expanding the number of Customs officers.

Nothing could be further from what is actually occurring on the ground. We have moved forward. Granted, we haven't done it under the context of authorization language; we have done it through the appropriations process. But we have moved forward very aggressively with the funding of port security as a Congress and as an administration.

The Senate specifically has taken the leadership in this area. When the Homeland Security appropriations bill was on the floor under the authorship of Senator BYRD from West Virginia, we increased port security funding, which is already fairly significant within the Homeland Security appropriations bill; we increased it by over \$600 million specifically for port security initiatives. As a result, that additional funding, coupled with the funding which was already in place and which has been growing over the last few years, represented a very strong commitment to trying to upgrade our ports because we all recognize—there is no subtlety to this—the ports are a significant point of vulnerability for our Nation.

Just to put this in context, if we are able to pass the Homeland Security appropriations bill as it passed the Senate—and I suspect we will be fairly close to those numbers as a result of the support we have received from Senator COCHRAN and from the leadership of both the House and the Senate in giving us the allocation plus some additional funds for emergencies to accomplish the type of funding initiatives we need—we will add 460 new Customs and Border Patrol agents purely for the purpose of port security. That is on top of the agents we already have, which number in the hundreds. We will add over \$211 million for nonintrusive inspection equipment. We will add \$139 million for container security initiatives, \$60 million for Customs Trade Partnership Against Terrorism, and \$27 million for the automatic targeting system.

We have also committed massive amounts of dollars to the Coast Guard and to enhancing the Coast Guard's capability because they truly are the front line of port security. Our goal in the area of port security is not to wait for the ship to arrive in an American port before we actually know what is on it and before we have a chance to inspect it but to inspect that cargo before it even leaves the docks of the foreign nation that may be shipping it to us and to be sure we have the capability under any scenario to intercept a

ship should we deem it to have suspicious cargo while it is at sea. In order to accomplish that, we have committed over \$7.5 billion to the Coast Guard for border security. Of that, approximately \$4 billion was specifically for port security, and about \$2.1 billion of that was for an improvement of what is called their deepwater assets, which is really a misnomer. In my opinion, it should be called the inland water assets because essentially these new facilities, these new boats and aircraft are going to allow us to make sure our ports are more secure.

The Coast Guard inspection effort was increased by \$23 million for security assessment of foreign and domestic ports. That will allow the Coast Guard to pursue very aggressive unscheduled inspections of both foreign and domestic ports to see what their standards are.

We have committed \$10 million to set up two new interagency operation centers on top of the three operation centers we have already, which are port-oriented operation centers, which are very important to make sure we have a coordinated effort around especially our major ports in this country.

We have \$10 million of Coast Guard funding to do port security exercises. This is critical. We can't really plan effectively in a vacuum. We have to actually send out an exercise where we create an event which is artificial but which is treated as if it is real and have the Coast Guard and the various agencies engaged in the process of making sure they can respond to that event.

We have added \$786 million for the purposes of upgrading the cutter program and \$50 million for the fast-response cutter program. Over 12 of the medium-endurance cutters are going to be dramatically upgraded, and we are purchasing 5 patrol boats and 16 medium-response patrol boats. This is a lot of new hardware which will be put in the hands of the Coast Guard.

On top of that, in the aircraft area, we are adding two major new patrol aircraft. We will have had 71 helicopters, as a result of this bill, armed, which is a major step forward. We only have I think two or three—maybe five helicopters armed today.

Interestingly enough—and this is a little aside, a little vignette—the Coast Guard has determined that they have 100 percent interdiction when they try to stop a boat with an armed helicopter versus a much lower interdiction rate when they try to stop a boat with an unarmed helicopter.

We have extended the life of 18 of the helicopters—I am sorry—18 of the HC-130 planes, we have reengined the entire helicopter fleet, and we have dramatically expanded the mission capability of the HC-130J airplanes.

So the Coast Guard has been given a robust infusion of funds for on-the-ground capability in port security and out-in-the-port capability for port security.

In addition, in the appropriations bill which passed the Senate 100 to nothing,

there was a \$210 million commitment to support security grants, which was a significant increase. There was a \$178 million commitment for the purchase of radiation portal monitors, which are obviously key to determining the major threat, which is the threat of a potential dirty weapon being brought into the United States through a port or a cargo vessel.

So if you look at the authorization language in this bill relative to funds which this bill calls for in order to meet what are the needs of the ports, we have actually passed as an appropriation in the appropriations process essentially almost all the money. It is nice to have it authorized, but essentially what we have already done is appropriated. The only major difference would be in the port security grants, and even there we have made a very significant downpayment as a percentage of what this bill calls for. So there has been a strong commitment made already in the area of appropriating funds in order to make sure our ports are more secure. I did want to make that clear so that people watching this debate, as important as the debate is, would realize we haven't been waiting for the language to be brought forward. It is important language. It is critical language to do the job right. But we as a Congress, and the administration, have been moving forward to make sure that Homeland Security and especially the Coast Guard and those people who are responsible for making the decisions as to how we inspect, and the Customs and Border Patrol departments, have the resources they need in order to effectively begin to secure our ports.

I yield the floor and 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. NELSON of Nebraska. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

MODIFICATION TO AMENDMENT NO. 4945

Mr. NELSON of Nebraska. Mr. President, I call up my amendment which is at the desk, amendment No. 4945. There are modifications at the desk. I ask unanimous consent that Senator BURNS and Senator CANTWELL be added as original cosponsors as well as make the following modifications to the amendment which is there at the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified. The cosponsors will be added.

The modification is as follows:

On page 27, on line 24 after "emergency measures", insert the following:

"including wildfire recovery efforts in Montana and other States"

On page 28, after line 12, insert the following:

**"SEC. 133. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.**

The Secretary shall use an additional \$200,000,000 of funds of the Commodity Credit

Corporation to carry out emergency measures identified by the Secretary through the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aaa et seq.), of which not less than \$50,000,000 shall be used to carry out wildfire recovery efforts (including in Montana and other States)."

Mr. NELSON of Nebraska. Mr. President, I appreciate the opportunity to be here today. I thank Senators COLLINS and, of course, PATTY MURRAY for the opportunity to speak.

What I want to say is that I have been hearing rumors that the leadership staff says this drought disaster amendment is not germane. As far as I know, cloture has not been invoked. Until and unless cloture is invoked, it is germane. It cannot be ruled as not germane.

The amendment I offered this morning now has 19 bipartisan cosponsors. I have already pointed to the chart to show what the extent of the drought is and the devastation that the drought is wreaking all across the middle part of the country and down into the southeastern part of the country as well.

The drought conditions range from severe to less than moderate in most of the instances, and the darker, the more it is affecting. What isn't shown on this chart is the number of years that the drought has endured in some parts of the country.

In Nebraska, for example, the drought in some cases is 7 continuous years in duration, planting with higher input costs and no crop for many farmers. Many have not been able to sustain themselves. They have had to leave their farms.

Ranchers are being adversely affected by the drought, obviously, because their pastures are crisp where the grass should be green. The grass is brittle because of the continuing drought conditions.

As a matter of fact, trying to get some recognition of what a drought consists of as opposed to a hurricane, which has a name in each and every case—I named this drought David just a few years ago. Unfortunately, in some cases Drought David is celebrating its seventh birthday, in other cases its fifth birthday, and in some other cases 2 or 3 years. This is a continuing condition.

That is why our farmers and ranchers deserve an up-or-down vote on this amendment. There is no ruling that it isn't germane. We could have an up-or-down vote on it tonight. I hope we would be able to do that.

The severity continues, and denying an up-or-down vote doesn't mean the drought goes away. It just means the ranchers and farmers are not going to get what they deserve.

I ask for the yeas and nays on my amendment, No. 4945.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the amendment?

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

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

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

#### NET NEUTRALITY

Mr. WYDEN. Mr. President and colleagues, I have put a public hold on the telecommunications legislation that has cleared the Senate Commerce Committee, and I have decided to come to the floor, from time to time, to try to outline why I have committed to block that legislation until the legislation ensures that the Internet will be free of discrimination.

That is what the debate known as Net neutrality is all about. It is something I feel very strongly about. I think as colleagues and the country come to understand more about what this issue is all about, there will be increasing concern about the absence in this legislation of tough, enforceable provisions to ensure that the Internet is free of discrimination.

Now, the lobbyists for the big communications concerns would like Americans to believe this is a very complicated issue. Certainly, there are technical aspects to it. But the bottom line proposition, Mr. President and colleagues, is, today, when you log on, you get to take your browser where you want to go, when you want to go there, and everybody is treated the same. That is what would change under this legislation because it would be possible, under the way the bill is written now, for major phone companies and cable companies to essentially set up what they have described—described in the business press—as a pay-to-play arrangement. It would change the fundamental nature of the way the Internet works today. I happen to think that is a great mistake.

Now, in prior speeches, I have come to the floor to give examples of what the world would look like without Net neutrality for consumers and small business and innovators.

Over the recess, a small business came to me and shared a story that I thought was particularly interesting. It is the story of a company known as New Mexico Chili. The two individuals, a married couple, who established this firm, NMChili.com, set it up as an alternative to the high-priced on-line Southwestern Chili stores that most people were forced to patronize on line. This couple started with a simple idea and a motto, "Even our prices taste good."

From the small town of Hatch, NM, home of the world famous Labor Day

Chile Festival, people from around the world can now access the wonderful chili that has made Hatch famous. Somebody from my hometown in Portland can go on line and within 48 hours have delivered to their doorstep Hatch's finest mild red chili or hot green chili.

They have been able to achieve all of this because of the open nature of the Internet. They pay their fee to get on the Net and for the bandwidth they use, and the business can flourish. This is because the Net remains neutral and free of discrimination.

Under the Senate Commerce Committee telecommunications bill, this would no longer be the case. This particular couple, in the small town of Hatch, NM, would be forced to pay fees to Internet access providers around the United States in order to have access to subscribers of these providers, or else they could get stuck in the "slow lane." They would be left with two bad choices: If they pay the fees to the providers, they would no longer be able to say "even our prices taste good," as they will be forced to charge customers more in order to continue to make profits. If they do not pay the fees to providers, their Web site would get stuck in what will become the Internet "slow lane," angering customers and causing them to lose business to larger competitors who can afford to pay the fee. Either way, New Mexico Chili, a small business that came to us, would lose, and its customers would lose.

In this example, the large businesses that own the Internet pipes extend their reach to the detriment of small business. According to the business plans of the major phone and cable companies, what they have been telling Wall Street, what is printed in the business press, this is the direction in which they are headed.

Without Net neutrality, without strong, enforceable provisions to ensure that the Internet is free of discrimination, this small firm in New Mexico would not be able to use the Net the way they can today, and there would be thousands and thousands of other small businesses like it.

Now, Mr. President and colleagues, we are going to hear a lot about this legislation in the days ahead. I have been hearing reports, for example, that if you have Net neutrality we are going to have problems for consumers in terms of blocking spam. That is not going to happen. And in the days ahead, I will outline how that is the case, as well.

The newest attack is that Net neutrality would prevent parents from keeping pornographic content away from their children's eyes and ears. That also is not going to happen. That is why organizations with great interest and expertise in the area, groups such as the Parents Television Council, are strongly supporting an Internet that is free of discrimination, an Internet that has strong provisions to protect Net neutrality.

The fact is, an Internet free of discrimination, an Internet that ensures there is Net neutrality is going to allow parents to do the same things they now do in terms of keeping pornography out of their home. And the fact is, I think it is going to give parents new tools in the days ahead to have additional new and exciting options in video programming that is free of the violence and foul language and sexual content that many of them are forced to buy today in order to receive the best educational programming on television. That is because the promise of a competitive Internet television market is going to grow fastest with an Internet that is free of discrimination and an Internet that ensures there is true Net neutrality.

Mr. President, I see the distinguished Senators who have been active on the legislation, the distinguished Senator from Alaska and the distinguished Senator from Washington, on the Senate floor. It is not my intent to get in the way of their moving this important legislation. So I intend to come to the floor on additional occasions in the days ahead to discuss this issue. I wanted to go through the example of that small business in New Mexico, New Mexico Chili, to outline why they benefit so dramatically with an Internet that is free of discrimination. I also wanted to outline why Net neutrality is so important to the cause of protecting parents and families from pornography and ensuring that those families have the tools to fight spam.

As I have indicated to the Senate in the past, it is my intent to keep my public hold on the telecommunications legislation until strong language is included in that bill that ensures that the Internet, which today operates free of discrimination, treats all customers the same way. Until that is embedded in the legislation that comes before the Senate, I will continue to keep my hold on this legislation.

I know the sponsors of tonight's bill have important work to do.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, at another time I might discuss this subject, Net neutrality, with the Senator from Oregon. I think what I will do is send him a copy of all the letters I have received from his constituents who agree with me. But I thank him very much for his comments.

Mr. ENZI. Mr. President, I rise in opposition to the Clinton amendment. Although I understand the need to ensure that first responders and volunteers with definitive health effects from 9/11 receive treatment, I remain very concerned with the current proposal from the Senator from New York.

I must first say that I am sorry Senator CLINTON did not speak with me first about this matter, as it falls within the HELP Committee jurisdiction, which I chair and of which Senator CLINTON is a member.

It also concerns me that the main genesis for action on this issue is a report released just last week from Mount Sinai, as part of the ongoing monitoring of health effects that we in Congress have authorized. Given that it has simply been a week since that report, we have not had a full amount of time to review that report and understand all of its implications.

I am concerned with the Senator from New York's proposal to delegate CDC as the primary entity administering this program. Rather than rely on the current mechanisms for providing health care and treatment programs through the Health Resources and Services Administration at the Department of Health and Human Services, this amendment creates a new role for CDC, taking them away from critical public health activities, such as responding to bird flu and potential bioterrorist attacks.

It is also important to make sure a program such as this is designed in such a way to meet the needs of the first responders and emergency workers that need it most.

The eligibility criteria are also too vague and provide health care services for activities that are not related to the events of September 11, 2001. I appreciate that Senator CLINTON's staff have been clear with mine that this is an issue that she recognizes as flawed and she would like to address it. However, we do not have the time to do that right now. We should not as a responsible legislative body approve a flawed proposal.

I do want to continue to work with the Senator from New York to address the health issues of the first responders who assisted in our response to 9/11. I know that time is limited in the remaining days of this Congress, and all of us would like all of our major priorities to be addressed. However, I have confirmed with HHS that they will soon send out another \$75 million in addition to the \$125 million which they have already distributed, to provide care and treatment to these individuals for the next few months.

Mr. President, I ask unanimous consent that a funding document from HHS be inserted into the RECORD that fully describes the funds that have been allocated to New York city to date.

In closing, I want to restate my commitment to further investigating the health effects of 9/11 on first responders and working with HHS to ensure their health care needs are addressed.

We do have time for thoughtful consideration and review of this issue, including giving HHS additional authorities through regular order.

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

SELECTED HHS POST 9/11 FUNDING  
CMS

Disaster Relief Medicaid Program: \$335 million: HHS provided expedited health care coverage for low-income New York children

and adults in the Medicaid, Child Health Plus and Family Health Plus programs and temporary medical coverage for those affected by the September 11th terrorist attacks.

HRSA

Health Centers: \$10 million in FY 2001: 33 Health Centers grantees in New York City and Northern New Jersey received one-time grants to support immediate costs of response as well as longer-term health care services as a result of the September 11th terrorist attacks.

Grants to Health Care Providers: \$35 million in FY 2001: Funding was provided to St. Vincent's Hospital-Manhattan and New York University Downtown Hospital, two of the hospitals in Manhattan that were dramatically impacted by the September 11th terrorist attacks. These hospitals mobilized staff to respond to hundreds of seriously injured patients.

Grants to Health Care Providers: \$135 million in FY 2002: In FY 2002, a special grant to health care entities that suffered financial losses directly attributable to the September 11th terrorist attacks was provided under the Hospital Emergency Response program.

SAMHSA

Emergency Assistance: \$22 million in FY 2001: Funds were provided to support mental health treatment for long-term disorders and to expand substance abuse treatment services to address the needs of individuals and families impacted by the September 11th terrorist attacks.

Other Counseling: \$10 million in FY 2002: Funding was added to the National Child Traumatic Stress Initiative to improve the quality of treatment services to children and adolescents who experienced traumatic events. This funding supported 5 multi-year grants to address post traumatic stress disorders in children.

Other Counseling: \$4 million in FY 2002: Mental health grantees received funding to provide services to public safety workers who are the first responders to national disasters.

CDC

Contract to Mt. Sinai School of Medicine: \$12 million FY 2002: Provided funding to Mt. Sinai School of Medicine via contract for baseline safety screening of 12,000 responders, rescue and recovery workers.

World Trade Center Registry: \$20 million FY 2002: CDC/ATSDR established a registry of responders, residents and occupants. The WTC Health Registry is operated by the NYC Department of Health and Mental Hygiene with 71,000 registrants now enrolled.

Federal Workers Screening: \$3.7 million in FY 2002: Funds were provided to the Office of Public Health Emergency Preparedness to perform baseline medical screenings for Federal responders.

World Trade Center Monitoring Program: \$90 million in FY 2002: Funds were provided to the New York City Fire Department (FDNY), Mount Sinai School of Medicine, UMDNJ-Robert W Johnson Medical School, Research Foundation of CUNY, NY University School of Medicine, and the Research Foundation of the NY State University to administer baseline and follow-up screenings and clinical examinations and long-term health monitoring and analysis for responders, rescue and recovery workers. Approximately 6,000 screenings have been conducted to date and 10,000 follow-up screenings. Approximately \$33 million has not been obligated. NIOSH plans to obligate these funds by FY 2008.

World Trade Center Registry, Screening, and Treatment: \$75 million in FY 2006: Appropriated to CDC in the FY 2006 Department

of Defense Appropriations Act; to support existing programs that administer baseline and follow-up screening, monitoring, and provide treatment, support the WTC Health Registry and two NYC Police Officers mental health support programs. A total of \$4.7 million has been awarded to the Mt. Sinai Consortium and FDNY.

NIH

National Institute of Environmental Health Sciences: \$10.5 million: In the aftermath of September 11th terrorist attacks. NIEHS's Superfund Worker Education Training Program created the primary safety training program for response and cleanup workers at Ground Zero.

Mr. MENENDEZ. Mr. President, I rise in strong support today of the amendment offered by my colleague Senator BAUCUS. At the end of the last year, the higher education deduction, along with a number of other important tax credits, expired. This means that unless we act to extend it, nearly 4 million families and students will not be able to deduct their college tuition from their taxes for this year. At a time when college prices have more than doubled over the last 5 years, now is not the time for this deduction to disappear.

In my State of New Jersey, as across the Nation, tuition is becoming a heavier burden on our students. New Jersey families spend an average of 34 percent of their income on tuition at a 4-year public university. The higher education deduction is a simple way that we can reduce that burden, by allowing taxpayers to deduct up to \$4,000 in tuition costs. Despite this, Congress has sat by while this and other crucial tax provisions expired.

In addition to the higher education deduction, Senator BAUCUS's amendment would also extend the \$250 deduction for out-of-pocket expenses that teachers spend on supplies for their classrooms. Purchasing supplies with their own money is only one of the many sacrifices our teachers make—this small deduction is the least we can do to help them shoulder that cost. In addition, the amendment would extend and expand the research and development credit for companies to spur innovation and continue new research, and the new markets tax credit, which helps bring loans and new investments to lower income communities.

Today is now the fourth time this year we have considered extending the important tax credits contained in this amendment.

We had our first chance in February, when a majority of this body voted to extend these provisions. Then in May, when we should have passed these extensions, instead, our Republican colleagues made a choice. Instead of extending the deduction for college tuition or out-of-pocket teacher expenses, both of which have expired, our colleagues chose to extend tax cuts on something that does not expire for 2 more years—investment and capital gains income. Our colleagues chose to spend \$50 billion to extend these tax cuts for 2 more years, when the cost to

extend both the teacher out-of-pocket and college tuition deductions is less than \$8 billion. The fact is, we are running out of time. As a hearing last week highlighted, if these extensions are not enacted into law by October 15, it will be too late for the IRS to adhere to them for this tax year. We likely have less than 10 legislative days left in this body. If we do not act today, the question is, when?

So, we have a choice once again today. Are we going to act to help students with the cost of their college tuition, or teachers with the sacrifices they make for their students, or are we going to sit by and pretend that these costs are not a hardship for millions of Americans?

I hope our colleagues on the other side of the aisle will see the need and the urgency to extend these provisions today, and not continue to wait, putting off tax relief that our students and families deserve.

I urge my colleagues to support the Baucus amendment, and to extend this relief today.

Mr. REED. Mr. President, on Monday, we marked the fifth anniversary of the September 11 attacks. The horror and sadness of the attacks on the World Trade Center and the Pentagon remain with us as a nation. We are still trying to come to grips with the security failures that allowed four civilian airplanes to be hijacked resulting in the death and injury of thousands of Americans and civilians from across the world.

Fortunately, there has not been a terrorist attack on the United States since 9/11; but al-Qaida continues to perpetrate terrorist attacks throughout the world. We remain at risk.

Today, we are considering legislation essential to keeping American ports and the maritime industry safe from terrorist attacks. I commend Senators COLLINS, LIEBERMAN, STEVENS, INOUE, GRASSLEY, BAUCUS, and MURRAY for their work on this legislation.

While our Nation acted quickly after 9/11 to secure our airports and airplanes, major vulnerabilities remain in maritime and surface transportation. As the 9/11 Commission concluded "opportunities to do harm are as great, or greater, in maritime and surface transportation" as in commercial aviation. I am glad the Senate is finally turning its attention to these critical security challenges.

A terrorist incident at one of our Nation's ports could have tremendous costs in human lives and force the shutdown of ports across the Nation, which would have devastating and long-term impacts on our economy.

This bill is a good first step in protecting our seaports and maritime industry. However, there must be funds to support the homeland security initiatives in this bill if we are to make more than a symbolic effort. I am glad that the Senate accepted Senator MURRAY's amendment to provide dedicated funding for port security. This admin-

istration and Congress has not made port, rail, or transit security priorities for funding, and authorizing language while important is not sufficient.

Al-Qaida and other terrorist groups continue to strike across the world. A recent survey by the Center for American Progress and Foreign Policy magazine of national security and terrorism experts found that 86 percent believe the world is now more dangerous, and 84 percent believe the United States is losing the war on terror. For too long, the administration's focus on the war in Iraq has diverted resources and attention from the true war on terror. These are resources that could be used to fund security efforts at airports, at ports, on rail, and on public transit. These are resources that could be used at home to make us safer.

Each year, more than 11 million containers pass through U.S. ports and 53,000 foreign-flagged vessels visit them. Since 9/11, Congress has appropriated a total of \$765 million for port security grants, including \$173 million in fiscal year 2006, to help our ports adopt important security measures. The Coast Guard, however, estimated that needed port security improvements could cost more than \$5 billion.

Transit agencies around the country have identified in excess of \$6 billion in transit security needs—\$5.2 billion in security-related capital investment and \$800 million to support personnel and related operation security measures to ensure transit security and readiness.

I am pleased that the Senate passed an amendment coauthored by Banking Committee Chairman SHELBY, Ranking Member SARBANES, Senator ALLARD, and me to the port security bill that will authorize a needs-based grant program within the Department of Homeland Security to identify and address the vulnerabilities of our Nation's transit systems. I thank Senators SHELBY and SARBANES for their leadership and hard work on this vitally important issue.

This amendment, consistent with the Public Transportation Security Act that passed the Senate in the 108th Congress, provides \$3.5 billion over the next 3 years to transit agencies for projects designed to resist and deter terrorist attacks, including surveillance technologies, tunnel protection, chemical, biological, radiological, and explosive detection systems, perimeter protection, training, the establishment of redundant critical operations control systems, and other security improvements.

Transit is the most common, and most vulnerable, target of terrorists worldwide, whether it is Madrid, London, Moscow, Tokyo, Israel, or Mumbai. According to a Brookings Institution study, 42 percent of all terrorist attacks between 1991 and 2001 were directed at mass transit systems.

Transit is vital to providing mobility for millions of Americans and offers

tremendous economic benefits to our Nation. In the United States, people use public transportation over 32 million each week day compared to 2 million passengers who fly daily. Paradoxically, it is the very openness of the system that makes it vulnerable to terrorism. When one considers that roughly \$9 per passenger is invested in aviation security, but less than one cent is invested in the security of each transit passenger, the need for this amendment and increased funding is clear.

Transit agencies and the women and men who operate them have been doing a tremendous job to increase security in a post 9/11 world, but there is only so much they can do with the very limited resources at their disposal. Our Nation's 6,000 transit agencies face a difficult balancing act as they attempt to tighten security and continue to move people from home to work or school or shopping or other locations efficiently and affordably. This amendment authorizes necessary funding to provide transit agencies with the tools they need to secure our commuter trains, subways, ferries, and buses.

With energy prices taking a larger chunk out of consumers' pocketbooks, public transit offers a solution to our national energy crisis and dependence on foreign oil. But, more Americans will not use transit unless commuters feel safe. I am glad that the Senate passed this bipartisan amendment which will grant transit security a similar standing as aviation security.

I would also like to take a moment to touch upon some of the provisions in the Real Security Act amendment offered by Senator REID that are relevant to efforts I have been working on in my capacity as a member of the Senate Health, Education, Labor, and Pensions—HELP—Committee. I am disappointed that this amendment failed on a budget point of order.

At the end of last year, the majority inserted into the must pass Department of Defense Appropriations bill broad liability protections for drug manufacturers for countermeasure products. While we certainly need vaccines and other medications to protect the population from the array of potential biological, chemical, and nuclear agents that could be intentionally used against us, such sweeping immunity was not appropriate.

At the same time, the bill did next to nothing to protect first responders, health care providers, and the general public should they be injured as a result of a countermeasure product utilized during the course of a public health emergency.

Senator REID's Real Security amendment provided for a sound and logical process for anyone who is injured or dies as a result of a countermeasure to receive fair and just compensation under the vaccine injury compensation fund. The amendment also provided appropriate indemnification for producers of countermeasure products.

A key element in any effort to respond to a public health emergency is

public trust and cooperation during the process. If our health care providers, first responders, and the general public do not have confidence in the response effort, they will choose not to participate. We have already been through this experience once with the President's failed effort to get first responders inoculated against smallpox.

We must have thoughtful and clear procedures in place to demonstrate to those who may be called upon during a public health emergency that they will have recourse should they suffer as a result of a countermeasure intended to protect them. We all know that no vaccine or pharmaceutical is 100 percent safe. A small segment of the population will inevitably suffer an adverse event and to ensure they are taken care of in this event is the right and responsible thing to do.

Another important area this amendment addresses is the need to strengthen our hospital and public health infrastructure.

Federal efforts to shore up our hospitals and public health systems continue to fall short. Despite the ongoing support for bioterrorism preparedness activities in cities and states, grants for these important efforts, like many other critical domestic priorities, have actually declined over the past year.

The Real Security amendment would have bolstered our hospitals and public health workforce in their preparedness efforts, enhances the ability of health care providers to respond during a public health emergency, and improves our domestic and international disease surveillance capabilities.

When it comes to protecting our homeland against a terrorist attack, we can and must do more to fortify our ports, our transit systems, and our health care infrastructure. We must also reorient our priorities to ensure that we are doing all we can to protect our most important asset—our citizens.

Mr. LIEBERMAN. Mr. President, I rise to herald two amendments to this important homeland security legislation that, I hope, will go a long way toward improving the security of our nation's rail and mass transit systems.

Yesterday, the Homeland Security and Governmental Affairs Committee held a hearing at which Secretary Chertoff, representatives from the New York and Los Angeles County police departments, and two security experts testified about the future direction of homeland security. The witnesses expressed an eclectic array of views. But on at least one point, they were all in agreement: radical Islamic terrorists have targeted railroads and mass transit systems in Europe, and the United States could very well be next.

Terrorists have hit the subways, trains, and buses of London, Madrid, Mumbai, Tokyo, Moscow, and Israel. It is inconceivable that they have forgotten about us in the United States.

In fact, "Jane's Intelligence Review" posted a story on its Web site at the

end of last month, stating that "Terrorist attacks on trains and metro rail systems in cities such as Mumbai, London, Madrid, and Moscow suggest a sustained interest by terrorists in exploiting the often open aspect of commuter rail infrastructure to execute mass casualty attacks."

This is an enormous concern to nearly all of us in this body. Fourteen million people use rail and mass transit every day in this country. In my home State of Connecticut, for example, the Metro North New Haven line is one of the busiest rail lines in the United States, carrying about 110,000 riders each day. And the Stamford, CT, train station on that line is among the busiest city rail stations in the United States.

Mass transit is a way of life for so many Americans. Our subways, trolleys, buses, and ferries carry millions of us to work each day, to shop, to sporting events, and to see friends and family. The speed, reliability, and convenience of mass transit has become a part of the cultural fabric of this Nation and helps to make us as mobile a Nation as we are.

Unfortunately, transit systems pose one of the greatest challenges to security experts—a challenge that calls for the attention of our Nation's best and brightest minds and should be a much bigger priority for the Federal Government than it is has been.

After the London bombings last July, our committee led a bipartisan investigation of the state of mass transit systems in the United States, culminating in a hearing on September 21, 2005. Chairman COLLINS and I examined the vulnerability of those systems, the threats to them, and the level and types of attention that our governments should devote to them.

Unlike airports, which are closed systems, rail and transit systems are open and carry seven times as many people in a year. With so many stops, stations, and lines, we cannot install airport security type checks at every subway station, bus stop, and rail terminal. Traffic would come to a dead halt.

But we can and must apply the "can do, will do" attitude we have adopted toward aviation security to mass transit and rail security. The amendments that we have added to this bill are an important step in that direction.

The first of these amendments is Senators SHELBY's and SARBANES' proposal to beef up the security of our public transportation systems. I proudly cosponsored this amendment because of my strong belief and conviction that we need to do all we can to secure our mass transit systems.

This week, the Commerce and Homeland Security Committees have put the interests of the country ahead of jurisdictional and party differences to work to improve the security of America's ports. That is real leadership.

The Shelby-Sarbanes amendment was adopted by the Senate in the same vein. The Banking and Homeland Security Committees also have put aside

their jurisdictional differences to promote the interests of the country first. If the Senate produced more legislation in this manner, perhaps the American public could suspend its cynicism about our overwhelming absorption with scoring political points.

The Shelby-Sarbanes amendment will authorize \$3.5 billion in grants for mass transit security, including capital improvements, research and development, and operations.

This amendment is an authorization but it sets a marker for the Congress to fund these grant programs in the subsequent appropriations cycles.

The amendment also restores funding for the Public Transportation Information Sharing and Analysis Center, which is the vehicle for mass transit systems all over the country to share and analyze intelligence about threats to their sector, and defenses against them.

The second amendment I want to address is Senator MCCAIN's rail security amendment, which I also cosponsored. In fact, when my friend from Arizona introduced this amendment as a bill in the 108th Congress, I cosponsored it then. It will make marked improvements in the security of our passenger rail systems with an authorization of \$1.2 billion. The amendment directs the Department of Homeland Security to complete and prioritize recommendations regarding vulnerability assessments for freight and passenger rail transportation systems. Notably, the amendment would benefit Amtrak and its thousands of daily riders in three direct ways.

The amendment also creates a pilot program to conduct random security screens of passengers and baggage at a specified number of Amtrak stations. It calls for certain fire and life-safety improvements and infrastructure upgrades to Amtrak tunnels on the Northeast Corridor. And it directs Amtrak to submit to the National Transportation Safety Board and the Secretary of Transportation a plan to address the needs of families of passengers involved in rail passenger accidents.

Combined, the authorizations contained within these two amendments are in line with the American Public Transportation Association's estimate that \$7.2 billion is needed to secure the country's rail and transit systems.

Over the last few years, we have seen the decentralization of al-Qaida and with it the growth of homegrown terrorist activities directed toward the open, densely populated, and vulnerable mass transit and rail systems. I am pleased the Senate has accepted these amendments which will help cities and States defend against these deadly threats.

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 (Mr. DEMINT). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### THE CHARACTER OF THE SENATE

Mr. KERRY. Madam President, an awful lot has been written and enough has been said about the comments made yesterday by House majority leader JOHN BOEHNER. I am not interested in asking Mr. BOEHNER for a clarification or retraction or even an apology. His statement was very clear and I believe equally despicable. And his words are, frankly, beyond redemption. They are, however, sadly, what we have seen much too much of in politics today in our country.

So this is an opportunity today for the Senate to be the Senate. We talk here about "my friend from across the aisle." We talk about the traditions of the Senate. We talk about civility. But in the last years, a lot of us have seen things happen here that never would have happened in the Senate of 15 or 20 years ago.

We have come a long way since the days when Bob Dole and George Mitchell refused to campaign against each other. I have seen colleagues say in the cloakroom that they thought it was wrong to see the courage of their friend, Max Cleland, attacked, but on the floor of the Senate there is silence.

I know there are good people here who still long for civility. I have heard it. I heard the junior Senator from Oregon say, just this summer: My soul cries out for something more dignified. My friend from Arizona, just this spring, said: The self-expression sometimes overwhelms our civility.

Well, this is one of those times. But I think it is more than that. I think it is an opportunity, in keeping with these pleas for civility, for some of our colleagues on the other side of the aisle to actually come to the floor and not just talk about civility but express the truth, to come here and condemn Mr. BOEHNER's remarks in no uncertain terms if they disagree with them. I think that is the real test of the kind of place we have become and the kind of politics we are willing to tolerate. It is a test of the character of the Senate. And I think every American would benefit from hearing where Republicans stand on Mr. BOEHNER's words expressed yesterday.

#### SENATOR BAUCUS'S 10,000TH VOTE

Mr. FRIST. Mr. President, may I have the attention of the Senate. On

rollcall vote No. 244, the distinguished Senator from Montana and the current ranking member of the Finance Committee, Senator MAX BAUCUS, cast his 10,000th vote in this Chamber.

Senator BAUCUS now joins a very historic and select club of U.S. Senators who can claim this distinction. Only 26 other Senators have achieved this milestone.

From his post on the Finance Committee, Senator BAUCUS has worked on a bipartisan basis on many issues important to Montanans, from tax policy to health care reform. Legislating is the art of compromise, and in his 28 years of service Senator BAUCUS has mastered it.

A recent example that comes to mind is the Medicare prescription drug bill, which I sponsored. Without Senator BAUCUS's hard work and support, 31 million seniors wouldn't have the drug benefits they now enjoy.

Back home in Montana, Senator BAUCUS is affectionately known for his "Work Days"—days he spends working a full day alongside Montanans at a local business.

Senator BAUCUS, I know I speak for all your fellow Senators, when I say congratulations on this achievement, but more importantly, thank you for your service to Montana, to your country, and importantly, to the United States Senate.

#### 50TH ANNIVERSARY OF GOLINHARRIS

Mr. DURBIN. Mr. President, I rise today to congratulate a Chicago business on its 50th anniversary.

The public relations firm GolinHarris began as a six-person operation in Chicago in 1956. Fifty years later, GolinHarris is one of the world's leading public relations firms, with a client list that reads like a Who's Who of Business. It employs more than 450 professionals in 29 offices across the globe—from Brazil to Belgrade, Stockholm to Singapore—but, I am proud to say, GolinHarris continues to call Chicago home.

One thing about GolinHarris has not changed over these 5 decades and that is the strength of its leadership. Under the guidance of Chairman Al Golin who has helped shape the firm from its beginning, GolinHarris has developed a reputation as an outstanding corporate citizen and an innovator in an intensely competitive and fast-changing field.

I would like to extend my congratulations to Al Golin and the employees of GolinHarris on this milestone 50th anniversary and wish them continued success in the years to come.

#### INDUCTION OF JOE DUMARS

Mr. LEVIN. Mr. President, I would like to make remarks about an American who has made many proud and achieved an incredible milestone this past weekend.